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## **Papers relating to the foreign relations of the United States, transmitted to congress, with the annual message of the president, December 3, 1877. 1877**

United States Department of State

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# PAPERS

RELATING TO THE

# FOREIGN RELATIONS

OF

THE UNITED STATES,

"

*Dept. of State*

TRANSMITTED TO CONGRESS,

WITH THE ANNUAL MESSAGE OF THE PRESIDENT,

DECEMBER 3, 1877.

PRECEDED BY A

LIST OF PAPERS AND FOLLOWED BY AN INDEX OF  
PERSONS AND SUBJECTS.



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Exchange Dartmouth College

## MESSAGE.

*Fellow-Citizens of the Senate and House of Representatives :*

With devout gratitude to the bountiful Giver of all good, I congratulate you that, at the beginning of your first regular session, you find our country blessed with health and peace and abundant harvests, and with encouraging prospects of an early return of general prosperity.

To complete and make permanent the pacification of the country continues to be, and, until it is fully accomplished, must remain, the most important of all our national interests. The earnest purpose of good citizens generally to unite their efforts in this endeavor is evident. It found decided expression in the resolutions announced in 1876, by the national conventions of the leading political parties of the country. There was a wide-spread apprehension that the momentous results in our progress as a nation, marked by the recent amendments to the Constitution, were in imminent jeopardy; that the good understanding which prompted their adoption, in the interest of a loyal devotion to the general welfare, might prove a barren truce, and that the two sections of the country, once engaged in civil strife, might be again almost as widely severed and disunited as they were when arrayed in arms against each other.

The course to be pursued, which in my judgment seemed wisest, in the presence of this emergency, was plainly indicated in my inaugural address. It pointed to the time, which all our people desire to see, when a genuine love of our whole country, and of all that concerns its true welfare, shall supplant the destructive forces of the mutual animosity of races and of sectional hostility. Opinions have differed widely as to the measures best calculated to secure this great end. This was to be expected. The measures adopted by the administration have been subjected to severe and varied criticism. Any course whatever which might have been entered upon would certainly have encountered distrust and opposition. These measures were, in my judgment, such as were most in harmony with the Constitution and with the genius of our people, and best adapted, under all the circumstances, to attain the end in view. Beneficent results, already apparent, prove that these endeavors are not to be regarded as a mere experiment, and should sustain and encourage us in our efforts. Already, in the brief period which has elapsed, the immediate effectiveness, no less than the justice of the course pursued, is demonstrated, and I have an abiding faith that time will furnish its ample vindication in the minds of the great majority of

my fellow-citizens. The discontinuance of the use of the Army for the purpose of upholding local governments in two States of the Union was no less a constitutional duty and requirement, under the circumstances existing at the time, than it was a much-needed measure for the restoration of local self-government and the promotion of national harmony. The withdrawal of the troops from such employment was effected deliberately, and with solicitous care for the peace and good order of society, and the protection of the property and persons and every right of all classes of citizens.

The results that have followed are indeed significant and encouraging. All apprehension of danger from remitting those States to local self-government is dispelled; and a most salutary change in the minds of the people has begun, and is in progress in every part of that section of the country once the theater of unhappy civil strife, substituting for suspicion, distrust, and aversion concord, friendship, and patriotic attachment to the Union. No unprejudiced mind will deny that the terrible and often fatal collisions which for several years have been of frequent occurrence, and have agitated and alarmed the public mind, have almost entirely ceased, and that a spirit of mutual forbearance and hearty national interest has succeeded. There has been a general re-establishment of order and of the orderly administration of justice. Instances of remaining lawlessness have become of rare occurrence; political turmoil and turbulence have disappeared; useful industries have been resumed; public credit in the Southern States has been greatly strengthened; and the encouraging benefits of a revival of commerce between the sections of the country, lately embroiled in civil war, are fully enjoyed. Such are some of the results already attained, upon which the country is to be congratulated. They are of such importance, that we may with confidence patiently await the desired consummation that will surely come with the natural progress of events.

It may not be improper here to say that it should be our fixed and unalterable determination to protect, by all available and proper means, under the Constitution and the laws, the lately-emancipated race in the enjoyment of their rights and privileges; and I urge upon those to whom heretofore the colored people have sustained the relation of bondmen the wisdom and justice of humane and liberal local legislation with respect to their education and general welfare. A firm adherence to the laws, both national and State, as to the civil and political rights of the colored people, now advanced to full and equal citizenship; the immediate repression and sure punishment by the national and local authorities, within their respective jurisdictions, of every instance of lawlessness and violence toward them, is required for the security alike of both races, and is justly demanded by the public opinion of the country and the age. In this way the restoration of harmony and good-will, and the complete protection of every citizen in the full enjoyment of every constitutional right, will surely be attained. Whatever authority rests with me to this end, I shall not hesitate to put forth.

Whatever belongs to the power of Congress and the jurisdiction of the courts of the Union, they may confidently be relied upon to provide and perform. And to the legislatures, the courts, and the executive authorities of the several States I earnestly appeal to secure, by adequate, appropriate, and seasonable means, within their borders, these common and uniform rights of a united people, which loves liberty, abhors oppression, and reveres justice. These objects are very dear to my heart. I shall continue most earnestly to strive for their attainment. The cordial co-operation of all classes—of all sections of the country and of both races—is required for this purpose; and with these blessings assured, and not otherwise, we may safely hope to hand down our free institutions of government unimpaired to the generations that will succeed us.

Among the other subjects of great and general importance to the people of this country, I cannot be mistaken, I think, in regarding as pre-eminent the policy and measures which are designed to secure the restoration of the currency to that normal and healthful condition in which, by the resumption of specie payments, our internal trade and foreign commerce may be brought into harmony with the system of exchanges which is based upon the precious metals as the intrinsic money of the world. In the public judgment that this end should be sought and compassed as speedily and securely as the resources of the people and the wisdom of their government can accomplish, there is a much greater degree of unanimity than is found to concur in the specific measures which will bring the country to this desired end or the rapidity of the steps by which it can be safely reached.

Upon a most anxious and deliberate examination which I have felt it my duty to give to the subject, I am but the more confirmed in the opinion which I expressed in accepting the nomination for the Presidency, and again upon my inauguration, that the policy of resumption should be pursued by every suitable means, and that no legislation would be wise that should disparage the importance or retard the attainment of that result. I have no disposition, and certainly no right, to question the sincerity or the intelligence of opposing opinions, and would neither conceal nor undervalue the considerable difficulties, and even occasional distresses, which may attend the progress of the nation toward this primary condition to its general and permanent prosperity. I must, however, adhere to my most earnest conviction that any wavering in purpose or unsteadiness in methods, so far from avoiding or reducing the inconvenience inseparable from the transition from an irredeemable to a redeemable paper currency, would only tend to increased and prolonged disturbance in values, and, unless retrieved, must end in serious disorder, dishonor, and disaster in the financial affairs of the government and of the people.

The mischiefs which I apprehend, and urgently deprecate, are confined to no class of the people indeed, but seem to me most certainly to threaten

the industrious masses, whether their occupations are of skilled or common labor. To them, it seems to me, it is of prime importance that their labor should be compensated in money which is itself fixed in exchangeable value by being irrevocably measured by the labor necessary to its production. This permanent quality of the money of the people is sought for and can only be gained by the resumption of specie payments. The rich, the speculative, the operating, the money-dealing classes, may not always feel the mischiefs of, or may find casual profits in, a variable currency, but the misfortunes of such a currency to those who are paid salaries or wages are inevitable and remediless.

Closely connected with this general subject of the resumption of specie payments is one of subordinate, but still of grave importance; I mean the readjustment of our coinage system by the renewal of the silver dollar as an element in our specie currency, endowed by legislation with the quality of legal tender to a greater or less extent.

As there is no doubt of the power of Congress under the Constitution "to coin money and regulate the value thereof," and as this power covers the whole range of authority applicable to the metal, the rated value, and the legal-tender quality which shall be adopted for the coinage, the considerations which should induce or discourage a particular measure connected with the coinage belong clearly to the province of legislative discretion and of public expediency. Without intruding upon this province of legislation in the least, I have yet thought the subject of such critical importance, in the actual condition of our affairs, as to present an occasion for the exercise of the duty imposed by the Constitution on the President of recommending to the consideration of Congress "such measures as he shall judge necessary and expedient."

Holding the opinion, as I do, that neither the interests of the government nor of the people of the United States would be promoted by disparaging silver as one of the two precious metals which furnish the coinage of the world, and that legislation which looks to maintaining the volume of intrinsic money to as full a measure of both metals as their relative commercial values will permit would be neither unjust nor inexpedient, I must ask your indulgence to a brief and definite statement of certain essential features in any such legislative measure which I feel it my duty to recommend.

I do not propose to enter the debate, represented on both sides by such able disputants in Congress and before the people and in the press, as to the extent to which the legislation of any one nation can control this question, even within its own borders, against the unwritten laws of trade or the positive laws of other governments. The wisdom of Congress in shaping any particular law that may be presented for my approval may wholly supersede the necessity of my entering into these considerations, and I willingly avoid either vague or intricate inquiries. It is only certain plain and practical traits of such legislation that I desire to recommend to your attention.

In any legislation providing for a silver coinage, regulating its value, and imparting to it the quality of legal tender, it seems to me of great importance that Congress should not lose sight of its action as operating in a twofold capacity and in two distinct directions. If the United States Government were free from a public debt, its legislative dealing with the question of silver coinage would be purely sovereign and governmental, under no restraints but those of constitutional power and the public good as affected by the proposed legislation. But in the actual circumstances of the nation, with a vast public debt distributed very widely among our own citizens, and held in great amounts also abroad, the nature of the silver-coinage measure, as affecting this relation of the government to the holders of the public debt, becomes an element, in any proposed legislation, of the highest concern. The obligation of the public faith transcends all questions of profit or public advantage otherwise. Its unquestionable maintenance is the dictate as well of the highest expediency as of the most necessary duty, and will ever be carefully guarded by Congress and people alike.

The public debt of the United States to the amount of \$729,000,000 bears interest at the rate of 6 per cent., and \$708,000,000 at the rate of 5 per cent., and the only way in which the country can be relieved from the payment of these high rates of interest is by advantageously refunding the indebtedness. Whether the debt is ultimately paid in gold or in silver coin is of but little moment compared with the possible reduction of interest one-third by refunding it at such reduced rate. If the United States had the unquestioned right to pay its bonds in silver coin, the little benefit from that process would be greatly overbalanced by the injurious effect of such payment if made or proposed against the honest convictions of the public creditors.

All the bonds that have been issued since February 12, 1873, when gold became the only unlimited legal-tender metallic currency of the country, are justly payable in gold coin or in coin of equal value. During the time of these issues, the only dollar that could be or was received by the government in exchange for bonds was the gold dollar. To require the public creditors to take in repayment any dollar of less commercial value would be regarded by them as a repudiation of the full obligation assumed. The bonds issued prior to 1873 were issued at a time when the gold dollar was the only coin in circulation or contemplated by either the government or the holders of the bonds as the coin in which they were to be paid. It is far better to pay these bonds in that coin than to seem to take advantage of the unforeseen fall in silver bullion to pay in a new issue of silver coin thus made so much less valuable. The power of the United States to coin money and to regulate the value thereof ought never to be exercised for the purpose of enabling the government to pay its obligations in a coin of less value than that contemplated by the parties when the bonds were issued. Any attempt to pay the national indebtedness in a coinage of less com-



mercial value than the money of the world would involve a violation of the public faith and work irreparable injury to the public credit.

It was the great merit of the act of March, 1869, in strengthening the public credit, that it removed all doubt as to the purpose of the United States to pay their bonded debt in coin. That act was accepted as a pledge of public faith. The government has derived great benefit from it in the progress thus far made in refunding the public debt at low rates of interest. An adherence to the wise and just policy of an exact observance of the public faith will enable the government rapidly to reduce the burden of interest on the national debt to an amount exceeding \$20,000,000 per annum, and effect an aggregate saving to the United States of more than \$300,000,000 before the bonds can be fully paid.

In adapting the new silver coinage to the ordinary uses of currency in the every-day transactions of life and prescribing the quality of legal tender to be assigned to it, a consideration of the first importance should be so to adjust the ratio between the silver and the gold coinage, which now constitutes our specie currency, as to accomplish the desired end of maintaining the circulation of the two metallic currencies, and keeping up the volume of the two precious metals as our intrinsic money. It is a mixed question for scientific reasoning and historical experience to determine how far, and by what methods, a practical equilibrium can be maintained which will keep both metals in circulation in their appropriate spheres of common use.

An absolute equality of commercial value, free from disturbing fluctuations, is hardly attainable, and without it, an unlimited legal tender for private transactions assigned to both metals would irresistibly tend to drive out of circulation the dearer coinage, and disappoint the principal object proposed by the legislation in view. I apprehend, therefore, that the two conditions of a near approach to equality of commercial value between the gold and silver coinage of the same denomination and of a limitation of the amounts for which the silver coinage is to be a legal tender are essential to maintaining both in circulation. If these conditions can be successfully observed, the issue from the mint of silver dollars would afford material assistance to the community in the transition to redeemable paper money, and would facilitate the resumption of specie payment and its permanent establishment. Without these conditions, I fear that only mischief and misfortune would flow from a coinage of silver dollars with the quality of unlimited legal tender, even in private transactions.

Any expectation of temporary ease from an issue of silver coinage to pass as a legal tender, at a rate materially above its commercial value, is, I am persuaded, a delusion. Nor can I think that there is any substantial distinction between an original issue of silver dollars at a nominal value materially above their commercial value, and the restoration of the silver dollar at a rate which once was, but has ceased to be,

its commercial value. Certainly, the issue of our gold coinage, reduced in weight materially below its legal-tender value, would not be any the less a present debasement of the coinage by reason of its equaling or even exceeding in weight a gold coinage which at some past time had been commercially equal to the legal-tender value assigned to the new issue.

In recommending that the regulation of any silver coinage which may be authorized by Congress should observe these conditions of commercial value and limited legal tender, I am governed by the feeling that every possible increase should be given to the volume of metallic money which can be kept in circulation, and thereby every possible aid afforded to the people in the process of resuming specie payments. It is because of my firm conviction that a disregard of these conditions would frustrate the good results which are desired from the proposed coinage, and embarrass with new elements of confusion and uncertainty the business of the country, that I urge upon your attention these considerations.

I respectfully recommend to Congress that in any legislation providing for a silver coinage, and imparting to it the quality of legal tender, there be impressed upon the measure a firm provision exempting the public debt, heretofore issued and now outstanding, from payment, either of principal or interest, in any coinage of less commercial value than the present gold coinage of the country.

The organization of the civil service of the country has for a number of years attracted more and more of the public attention. So general has become the opinion that the methods of admission to it, and the conditions of remaining in it, are unsound, that both the great political parties have agreed in the most explicit declarations of the necessity of reform, and in the most emphatic demands for it. I have fully believed these declarations and demands to be the expression of a sincere conviction of the intelligent masses of the people upon the subject, and that they should be recognized and followed by earnest and prompt action on the part of the legislative and executive departments of the government, in pursuance of the purpose indicated.

Before my accession to office I endeavored to have my own views distinctly understood, and upon my inauguration my accord with the public opinion was stated in terms believed to be plain and unambiguous. My experience in the executive duties has strongly confirmed the belief in the great advantage the country would find in observing strictly the plan of the Constitution, which imposes upon the Executive the sole duty and responsibility of the selection of those federal officers who, by law, are appointed, not elected; and which, in like manner, assigns to the Senate the complete right to advise and consent to, or to reject, the nominations so made; whilst the House of Representatives stands as the public censor of the performance of official duties, with the prerogative of investigation and prosecution in all cases of dereliction. The blemishes and imperfections in the civil service may, as I think, be

traced, in most cases, to a practical confusion of the duties assigned to the several departments of the government. My purpose, in this respect, has been to return to the system established by the fundamental law, and to do this with the heartiest co-operation and most cordial understanding with the Senate and House of Representatives.

The practical difficulties in the selection of numerous officers for posts of widely-varying responsibilities and duties, are acknowledged to be very great. No system can be expected to secure absolute freedom from mistakes, and the beginning of any attempted change of custom is quite likely to be more embarrassed in this respect than any subsequent period. It is here that the Constitution seems to me to prove its claim to the great wisdom accorded to it; it gives to the Executive the assistance of the knowledge and experience of the Senate, which, when acting upon nominations, as to which they may be disinterested and impartial judges, secures as strong a guarantee of freedom from errors of importance as is perhaps possible in human affairs.

In addition to this, I recognize the public advantage of making all nominations, as nearly as possible, impersonal, in the sense of being free from mere caprice or favor in the selection; and in those offices in which special training is of greatly increased value, I believe such a rule as to the tenure of office should obtain, as may induce men of proper qualifications to apply themselves industriously to the task of becoming proficient. Bearing these things in mind, I have endeavored to reduce the number of changes in subordinate places, usually made upon the change of the general administration; and shall most heartily co-operate with Congress in the better systematizing of such methods and rules of admission to the public service, and of promotion within it, as may promise to be most successful in making thorough competency, efficiency, and character, the decisive tests in these matters.

I ask the renewed attention of Congress to what has already been done by the Civil-Service Commission, appointed, in pursuance of an act of Congress, by my predecessor, to prepare and revise civil-service rules. In regard to much of the departmental service, especially at Washington, it may be difficult to organize a better system than that which has thus been provided, and it is now being used to a considerable extent under my direction. The commission has still a legal existence, although for several years no appropriation has been made for defraying its expenses. Believing that this commission has rendered valuable service, and will be a most useful agency in improving the administration of the civil service, I respectfully recommend that a suitable appropriation, to be immediately available, be made, to enable it to continue its labors.

It is my purpose to transmit to Congress as early as practicable a report by the chairman of the commission, and to ask your attention to such measures on this subject as, in my opinion, will further promote the improvement of the civil service.

During the past year the United States have continued to maintain peaceful relations with foreign powers.

The outbreak of war between Russia and Turkey, though at one time attended by grave apprehension as to its effect upon other European nations, has had no tendency to disturb the amicable relations existing between the United States and each of the two contending powers. An attitude of just and impartial neutrality has been preserved, and I am gratified to state that, in the midst of their hostilities, both the Russian and the Turkish Governments have shown an earnest disposition to adhere to the obligations of all treaties with the United States, and to give due regard to the rights of American citizens.

By the terms of the treaty, defining the rights, immunities, and privileges of consuls, between Italy and the United States, ratified in 1868, either government may, after the lapse of ten years, terminate the existence of the treaty by giving twelve months' notice of its intention. The Government of Italy, availing itself of this faculty, has now given the required notice, and the treaty will, accordingly, end on the 17th of September, 1878. It is understood, however, that the Italian Government wishes to renew it, in its general scope, desiring only certain modifications in some of its articles. In this disposition I concur, and shall hope that no serious obstacles may intervene to prevent or delay the negotiation of a satisfactory treaty.

Numerous questions in regard to passports, naturalization, and exemption from military service have continued to arise in cases of emigrants from Germany who have returned to their native country. The provisions of the treaty of February 22, 1868, however, have proved to be so ample and so judicious that the legation of the United States at Berlin has been able to adjust all claims arising under it, not only without detriment to the amicable relations existing between the two governments, but it is believed without injury or injustice to any duly-naturalized American citizen. It is desirable that the treaty originally made with the North German Union in 1868 should now be extended so as to apply equally to all the states of the empire of Germany.

The invitation of the Government of France to participate in the exposition of the products of agriculture, industry, and the fine arts, to be held at Paris during the coming year, was submitted for your consideration at the extra session. It is not doubted that its acceptance by the United States, and a well-selected exhibition of the products of American industry on that occasion, will tend to stimulate international commerce and emigration, as well as to promote the traditional friendship between the two countries.

A question arose some time since as to the proper meaning of the extradition articles of the treaty of 1842 between the United States and Great Britain. Both governments, however, are now in accord in the belief that the question is not one that should be allowed to frustrate the ends of justice, or to disturb the friendship between the two nations. No serious difficulty has arisen in accomplishing the extradition of criminals when necessary. It is probable that all points of disagree-

ment will, in due time, be settled, and, if need be, more explicit declarations be made in a new treaty.

The Fishery Commission, under Articles XVIII to XXV of the Treaty of Washington, has concluded its session at Halifax. The result of the deliberations of the commission, as made public by the commissioners, will be communicated to Congress.

A treaty for the protection of trade-marks has been negotiated with Great Britain, which has been submitted to the Senate for its consideration.

The revolution which recently occurred in Mexico was followed by the accession of the successful party to power and the installation of its chief, General Porfirio Diaz, in the Presidential office. It has been the custom of the United States, when such changes of government have heretofore occurred in Mexico, to recognize and enter into official relations with the *de facto* government as soon as it should appear to have the approval of the Mexican people, and should manifest a disposition to adhere to the obligations of treaties and international friendship. In the present case such official recognition has been deferred by the occurrences on the Rio Grande border, the records of which have been already communicated to each house of Congress, in answer to their respective resolutions of inquiry. Assurances have been received that the authorities at the seat of the Mexican Government have both the disposition and the power to prevent and punish such unlawful invasions and depredations. It is earnestly to be hoped that events may prove these assurances to be well founded. The best interests of both countries require the maintenance of peace upon the border, and the development of commerce between the two republics.

It is gratifying to add that this temporary interruption of official relations has not prevented due attention by the representatives of the United States in Mexico to the protection of American citizens, so far as practicable. Nor has it interfered with the prompt payment of the amounts due from Mexico to the United States under the treaty of July 4, 1868, and the awards of the joint commission. While I do not anticipate an interruption of friendly relations with Mexico, yet I cannot but look with some solicitude upon a continuance of border disorders as exposing the two countries to initiations of popular feeling and mischances of action which are naturally unfavorable to complete amity. Firmly determined that nothing shall be wanting on my part to promote a good understanding between the two nations, I yet must ask the attention of Congress to the actual occurrences on the border, that the lives and property of our citizens may be adequately protected and peace preserved.

Another year has passed without bringing to a close the protracted contest between the Spanish Government and the insurrection in the island of Cuba. While the United States have sedulously abstained from any intervention in this contest, it is impossible not to feel that it

is attended with incidents affecting the rights and interests of American citizens. Apart from the effect of the hostilities upon trade between the United States and Cuba, their progress is inevitably accompanied by complaints, having more or less foundation, of searches, arrests, embargoes, and oppressive taxes upon the property of American residents, and of unprovoked interference with American vessels and commerce. It is due to the Government of Spain to say that during the past year it has promptly disavowed and offered reparation for any unauthorized acts of unduly zealous subordinates whenever such acts have been brought to its attention. Nevertheless, such occurrences cannot but tend to excite feelings of annoyance, suspicion, and resentment, which are greatly to be deprecated, between the respective subjects and citizens of two friendly powers.

Much delay (consequent upon accusations of fraud in some of the awards) has occurred in respect to the distribution of the limited amounts received from Venezuela under the treaty of April 25, 1866, applicable to the awards of the joint commission created by that treaty. So long as these matters are pending in Congress the Executive cannot assume either to pass upon the questions presented, or to distribute the fund received. It is eminently desirable that definite legislative action should be taken, either affirming the awards to be final, or providing some method for re-examination of the claims. Our relations with the republics of Central and South America, and with the empire of Brazil, have continued without serious change, further than the temporary interruption of diplomatic intercourse with Venezuela and with Nicaragua. Amicable relations have already been fully restored with Venezuela, and it is not doubted that all grounds of misunderstanding with Nicaragua will speedily be removed. From all these countries there are favorable indications of a disposition on the part of their governments and people to reciprocate our efforts in the direction of increased commercial intercourse.

The Government of the Samoan Islands has sent an envoy, in the person of its secretary of state, to invite the Government of the United States to recognize and protect their independence, to establish commercial relations with their people, and to assist them in their steps toward regulated and responsible government. The inhabitants of these islands, having made considerable progress in Christian civilization and the development of trade, are doubtful of their ability to maintain peace and independence without the aid of some stronger power. The subject is deemed worthy of respectful attention, and the claims upon our assistance by this distant community will be carefully considered.

The long commercial depression in the United States has directed attention to the subject of the possible increase of our foreign trade, and the methods for its development, not only with Europe but with other countries, and especially with the states and sovereignties of the western hemisphere. Instructions from the Department of State were issued

to the various diplomatic and consular officers of the government, asking them to devote attention to the question of methods by which trade between the respective countries of their official residence and the United States could be most judiciously fostered. In obedience to these instructions, examinations and reports upon this subject have been made by many of these officers and transmitted to the department, and the same are submitted to the consideration of Congress.

The annual report of the Secretary of the Treasury on the state of the finances presents important questions for the action of Congress, upon some of which I have already remarked.

The revenues of the government during the fiscal year ending June 30, 1877, were \$269,000,586.62. The total expenditures for the same period were \$238,660,008.93, leaving a surplus revenue of \$30,340,577.69. This has substantially supplied the requirements of the sinking-fund for that year. The estimated revenues of the current fiscal year are \$265,500,000, and the estimated expenditures for the same period are \$232,430,643.72. If these estimates prove to be correct, there will be a surplus revenue of \$33,069,356.28, an amount nearly sufficient for the sinking-fund for that year. The estimated revenues for the next fiscal year are \$269,250,000. It appears from the report that during the last fiscal year the revenues of the government, compared with the previous year, have largely decreased. This decrease, amounting to the sum of \$18,481,452.54, was mainly in customs duties, caused partly by a large falling off of the amount of imported dutiable goods, and partly by the general fall of prices in the markets of production of such articles as pay *ad valorem* taxes.

While this is felt injuriously in the diminution of the revenue, it has been accompanied with a very large increase of exportations. The total exports during the last fiscal year, including coin, have been \$658,637,457, and the imports have been \$492,097,540, leaving a balance of trade in favor of the United States amounting to the sum of \$166,539,917; the beneficial effects of which extend to all branches of business.

The estimated revenue for the next fiscal year will impose upon Congress the duty of strictly limiting appropriations, including the requisite sum for the maintenance of the sinking-fund, within the aggregate estimated receipts.

While the aggregate of taxes should not be increased, amendments might be made to the revenue laws that would, without diminishing the revenue, relieve the people from unnecessary burdens. A tax on tea and coffee is shown by the experience not only of our own country but of other countries to be easily collected, without loss by undervaluation or fraud, and largely borne in the country of production. A tax of ten cents a pound on tea and two cents a pound on coffee would produce a revenue exceeding \$12,000,000, and thus enable Congress to repeal a multitude of annoying taxes yielding a revenue not exceeding that sum. The internal-revenue system grew out of the necessities of the war, and

most of the legislation imposing taxes upon domestic products, under this system, has been repealed. By the substitution of a tax on tea and coffee, all forms of internal taxation may be repealed, except that on whisky, spirits, tobacco, and beer. Attention is also called to the necessity of enacting more vigorous laws for the protection of the revenue and for the punishment of frauds and smuggling. This can best be done by judicious provisions that will induce the disclosure of attempted fraud by undervaluation and smuggling. All revenue laws should be simple in their provisions and easily understood. So far as practicable, the rates of taxation should be in the form of specific duties, and not *ad valorem*, requiring the judgment of experienced men to ascertain values, and exposing the revenue to the temptation of fraud.

My attention has been called, during the recess of Congress, to abuses existing in the collection of the customs, and strenuous efforts have been made for their correction by executive orders. The recommendations submitted to the Secretary of the Treasury, by a commission appointed to examine into the collection of customs duties at the port of New York, contain many suggestions for the modification of the customs laws, to which the attention of Congress is invited.

It is matter of congratulation that, notwithstanding the severe burdens caused by the war, the public faith with all creditors has been preserved, and that, as the result of this policy, the public credit has continuously advanced, and our public securities are regarded with the highest favor in the markets of the world. I trust that no act of the government will cast a shadow upon its credit.

The progress of refunding the public debt has been rapid and satisfactory. Under the contract existing when I entered upon the discharge of the duties of my office, bonds bearing interest at the rate of  $4\frac{1}{2}$  per cent. were being rapidly sold; and within three months the aggregate sales of these bonds had reached the sum of \$200,000,000. With my sanction, the Secretary of the Treasury entered into a new contract for the sale of 4 per cent. bonds, and within thirty days after the popular subscription for such bonds was opened, subscriptions were had amounting to \$75,496,550, which were paid for within ninety days after the date of subscription. By this process, within but little more than one year, the annual interest on the public debt was reduced in the sum of \$3,775,000.

I recommend that suitable provision be made to enable the people to easily convert their savings into government securities, as the best mode in which small savings may be well secured and yield a moderate interest. It is an object of public policy to retain among our own people the securities of the United States. In this way our country is guarded against their sudden return from foreign countries, caused by war or other disturbances beyond our limits.

The commerce of the United States with foreign nations, and especially the export of domestic productions, has of late years largely in-



creased; but the greater portion of this trade is conducted in foreign vessels. The importance of enlarging our foreign trade, and especially by direct and speedy interchange with countries on this continent, cannot be overestimated; and it is a matter of great moment that our own shipping interest should receive, to the utmost practical extent, the benefit of our commerce with other lands. These considerations are forcibly urged by all the large commercial cities of the country, and public attention is generally and wisely attracted to the solution of the problems they present. It is not doubted that Congress will take them up in the broadest spirit of liberality, and respond to the public demand by practical legislation upon this important subject.

The report of the Secretary of War shows that the Army has been actively employed during the year, and has rendered very important service in suppressing hostilities in the Indian country, and in preserving peace and protecting life and property in the interior as well as along the Mexican border. A long and arduous campaign has been prosecuted, with final complete success, against a portion of the Nez Percés tribe of Indians. A full account of this campaign will be found in the report of the General of the Army. It will be seen that in its course several severe battles were fought, in which a number of gallant officers and men lost their lives. I join with the Secretary of War and the General of the Army in awarding to the officers and men employed in the long and toilsome pursuit and in the final capture of these Indians the honor and praise which are so justly their due.

The very serious riots which occurred in several of the States in July last rendered necessary the employment of a considerable portion of the Army to preserve the peace and maintain order. In the States of West Virginia, Maryland, Pennsylvania, and Illinois these disturbances were so formidable as to defy the local and State authorities, and the National Executive was called upon, in the mode provided by the Constitution and laws, to furnish military aid. I am gratified to be able to state that the troops sent in response to these calls for aid in the suppression of domestic violence were able, by the influence of their presence in the disturbed regions, to preserve the peace and restore order without the use of force. In the discharge of this delicate and important duty, both officers and men acted with great prudence and courage, and for their services deserve the thanks of the country.

Disturbances along the Rio Grande, in Texas, to which I have already referred, have rendered necessary the constant employment of a military force in that vicinity. A full report of all recent military operations in that quarter has been transmitted to the House of Representatives in answer to a resolution of that body, and it will, therefore, not be necessary to enter into details. I regret to say that these lawless incursions into our territory by armed bands from the Mexican side of the line for the purpose of robbery, have been of frequent occurrence, and in spite of the most vigilant efforts of the commander of our forces the ma-

raiders have generally succeeded in escaping into Mexico with their plunder. In May last I gave orders for the exercise of the utmost vigilance on the part of our troops for the suppression of these raids and the punishment of the guilty parties, as well as the recapture of property stolen by them. General Ord, commanding in Texas, was directed to invite the co-operation of the Mexican authorities in efforts to this end, and to assure them that I was anxious to avoid giving the least offense to Mexico. At the same time, he was directed to give notice of my determination to put an end to the invasion of our territory by lawless bands, intent upon the plunder of our peaceful citizens, even if the effectual punishment of the outlaws should make the crossing of the border by our troops in their pursuit necessary. It is believed that this policy has had the effect to check somewhat these depredations, and that with a considerable increase of our force upon that frontier, and the establishment of several additional military posts along the Rio Grande, so as more effectually to guard that extensive border, peace may be preserved and the lives and property of our citizens in Texas fully protected.

Prior to the 1st day of July last the Army was, in accordance with law, reduced to the maximum of 25,000 enlisted men, being a reduction of 2,500 below the force previously authorized. This reduction was made, as required by law, entirely from the infantry and artillery branches of the service, without any reduction of the cavalry. Under the law, as it now stands, it is necessary that the cavalry regiments be recruited to one hundred men in each company for service on the Mexican and Indian frontiers. The necessary effect of this legislation is to reduce the infantry and artillery arms of the service below the number required for efficiency, and I concur with the Secretary of War in recommending that authority be given to recruit all companies of infantry to at least fifty men and all batteries of artillery to at least seventy-five men, with the power, in case of emergency, to increase the former to one hundred and the latter to one hundred and twenty-two men each.

I invite your special attention to the following recommendations of the Secretary of War:

First. That provision be made for supplying to the Army a more abundant and better supply of reading-matter.

Second. That early action be taken by Congress looking to a complete revision and republication of the Army Regulations.

Third. That section 1258 of the Revised Statutes, limiting the number of officers on the retired-list, be repealed.

Fourth. That the claims arising under the act of July 4, 1864, for supplies taken by the Army during the war, be taken from the offices of the Quartermaster and Commissary Generals and transferred to the Southern Claims Commission, or some other tribunal having more time and better facilities for their prompt investigation and decision than are possessed by these officers.

Fifth. That Congress provide for an annuity-fund for the families of

deceased soldiers, as recommended by the Paymaster-General of the Army.

The report of the Secretary of the Navy shows that we have six squadrons now engaged in the protection of our foreign commerce and other duties pertaining to the naval service. The condition and operations of the department are also shown. The total expenditures for the fiscal year ending June 30, 1877, were \$16,077,974.54. There are unpaid claims against the department chargeable to the last year, which are presented to the consideration of Congress by the report of the Secretary. The estimates for the fiscal year commencing July 1, 1878, are \$16,233,234.40, exclusive of the sum of \$2,314,231 submitted for new buildings, repairs, and improvements at the several navy-yards. The appropriations for the present fiscal year, commencing July 1, 1877, are \$13,592,932.90. The amount drawn from the Treasury from July 1 to November 1, 1877, is \$5,343,037.40, of which there is estimated to be yet available \$1,029,528.30, showing the amount of actual expenditure during the first four months of the present fiscal year to have been \$4,313,509.10.

The report of the Postmaster-General contains a full and clear statement of the operations and condition of the Post-Office Department. The ordinary revenues of the department for the fiscal year ending June 30, 1877, including receipts from the money-order business and from official stamps and stamped envelopes, amounted to the sum of \$27,531,585.26. The additional sum of \$7,013,000 was realized from appropriations from the general Treasury for various purposes, making the receipts from all sources \$34,544,885.26. The total expenditures during the fiscal year amounted to \$33,486,322.44, leaving an excess of total receipts over total expenditures of \$1,058,562.82, and an excess of total expenditures over ordinary receipts of \$5,954,737.18. Deducting from the total receipts the sum of \$63,261.84 received from international money-orders of the preceding fiscal year, and deducting from the total expenditures the sum of \$1,163,818.20 paid on liabilities incurred in previous fiscal years, the expenditures and receipts appertaining to the business of the last fiscal year were as follows:

Expenditures.....	\$32,322,504 24
Receipts (ordinary, from money-order business and from official postage-stamps) .....	27,468,323 42
	<hr/>
Excess of expenditures.....	4,854,180 82

The ordinary revenues of the Post-Office Department for the year ending June 30, 1879, are estimated at an increase of three per cent. over those of 1877, making \$29,034,098.28, and the expenditures for the same year are estimated at \$36,427,771, leaving an estimated deficiency for the year 1879 of \$7,393,672.72. The additional legislation recommended by the Postmaster-General for improvements of the mail service, and to protect the postal revenues from the abuses practiced under existing laws, is respectfully commended to the careful consideration of Congress.

The report of the Attorney-General contains several suggestions as to the administration of justice, to which I invite your attention. The pressure of business in the Supreme Court and in certain circuit courts of the United States is now such, that serious delays, to the great injury, and even oppression, of suitors occur, and a remedy should be sought for this condition of affairs. Whether it will be found in the plan briefly sketched in the report, of increasing the number of judges of the circuit courts, and by means of this addition to the judicial force of creating an intermediate court of errors and appeals, or whether some other mode can be devised for obviating the difficulties which now exist, I leave to your mature consideration.

The present condition of the Indian tribes on the territory of the United States and our relations with them are fully set forth in the reports of the Secretary of the Interior and the Commissioner of Indian Affairs. After a series of most deplorable conflicts—the successful termination of which, while reflecting honor upon the brave soldiers who accomplished it, cannot lessen our regret at their occurrence—we are now at peace with all the Indian tribes within our borders. To preserve that peace by a just and humane policy will be the object of my earnest endeavors. Whatever may be said of their character and savage propensities, of the difficulties of introducing among them the habits of civilized life, and of the obstacles they have offered to the progress of settlement and enterprise in certain parts of the country, the Indians are certainly entitled to our sympathy and to a conscientious respect, on our part, for their claims upon our sense of justice. They were the aboriginal occupants of the land we now possess. They have been driven from place to place; the purchase-money paid to them in some cases, for what they called their own, has still left them poor; in many instances, when they had settled down upon land assigned to them by compact and began to support themselves by their own labor, they were rudely jostled off and thrust into the wilderness again. Many, if not most, of our Indian wars have had their origin in broken promises and acts of injustice upon our part; and the advance of the Indians in civilization has been slow, because the treatment they received did not permit it to be faster and more general. We cannot expect them to improve and to follow our guidance unless we keep faith with them in respecting the rights they possess, and unless, instead of depriving them of their opportunities, we lend them a helping hand.

I cordially approve the policy regarding the management of Indian affairs outlined in the reports of the Secretary of the Interior and of the Commissioner of Indian Affairs. The faithful performance of our promises is the first condition of a good understanding with the Indians. I cannot too urgently recommend to Congress that prompt and liberal provision be made for the conscientious fulfillment of all engagements entered into by the government with the Indian tribes. To withhold the means necessary for the performance of a promise is always false

economy, and is apt to prove disastrous in its consequences. Especial care is recommended to provide for Indians settled on their reservations, cattle and agricultural implements, to aid them in whatever efforts they may make to support themselves, and by the establishment and maintenance of schools to bring them under the control of civilized influences. I see no reason why Indians who can give satisfactory proof of having by their own labor supported their families for a number of years, and who are willing to detach themselves from their tribal relations, should not be admitted to the benefit of the homestead act and the privileges of citizenship, and I recommend the passage of a law to that effect. It will be an act of justice as well as a measure of encouragement. Earnest efforts are being made to purify the Indian service, so that every dollar appropriated by Congress shall redound to the benefit of the Indians, as intended. Those efforts will have my firm support. With an improved service, and every possible encouragement held out to the Indians to better their condition and to elevate themselves in the scale of civilization, we may hope to accomplish at the same time a good work for them and for ourselves.

I invite the attention of Congress to the importance of the statements and suggestions made by the Secretary of the Interior concerning the depredations committed on the timber-lands of the United States and the necessity for the preservation of forests. It is believed that the measures taken in pursuance of existing laws to arrest those depredations will be entirely successful if Congress by an appropriation for that purpose renders their continued enforcement possible. The experience of other nations teaches us that a country cannot be stripped of its forests with impunity, and we shall expose ourselves to the gravest consequences unless the wasteful and improvident manner in which the forests in the United States are destroyed be effectually checked. I earnestly recommend that the measures suggested by the Secretary of the Interior for the suppression of depredations on the public timber-lands of the United States, for the selling of timber from the public lands, and for the preservation of forests, be embodied in a law; and that, considering the urgent necessity of enabling the people of certain States and Territories to purchase timber from the public lands in a legal manner, which at present they cannot do, such a law be passed without unavoidable delay. I would also call the attention of Congress to the statements made by the Secretary of the Interior concerning the disposition that might be made of the desert lands, not irrigable, west of the 100th meridian. These lands are practically unsalable under existing laws, and the suggestion is worthy of consideration that a system of leasehold tenure would make them a source of profit to the United States, while at the same time legalizing the business of cattle-raising, which is at present carried on upon them.

The report of the Commissioner of Agriculture contains the gratifying announcement of the extraordinary success which has rewarded the

agricultural industry of the country for the past year. With the fair prices which obtain for the products of the soil, especially for the surplus which our people have to export, we may confidently turn to this as the most important of all our resources for the revival of the depressed industries of the country. The report shows our agricultural progress during the year, and contains a statement of the work done by this department for the advancement of agricultural industry, upon which the prosperity of our people so largely depends. Matters of information are included of great interest to all who seek, by the experience of others, to improve their own methods of cultivation. The efforts of the department to increase the production of important articles of consumption will, it is hoped, improve the demand for labor and advance the business of the country, and eventually result in saving some of the many millions that are now annually paid to foreign nations for sugar and other staple products which habitual use has made necessary in our domestic every-day life.

The Board on behalf of the United States Executive Departments at the International Exhibition of 1876 has concluded its labors. The final report of the board was transmitted to Congress by the President near the close of the last session. As these papers are understood to contain interesting and valuable information, and will constitute the only report emanating from the government on the subject of the exhibition, I invite attention to the matter, and recommend that the report be published for general information.

Congress is empowered by the Constitution with the authority of exclusive legislation over the District of Columbia, in which the seat of government of the nation is located. The interests of the District, having no direct representation in Congress, are entitled to especial consideration and care at the hands of the general government. The capital of the United States belongs to the nation, and it is natural that the American people should take pride in the seat of their national government, and desire it to be an ornament to the country. Much has been done to render it healthful, convenient, and attractive, but much remains to be done, which its permanent inhabitants are not able and ought not to be expected to do. To impose upon them a large proportion of the cost required for public improvements, which are in a great measure planned and executed for the convenience of the government and of the many thousands of visitors from all parts of the country who temporarily reside at the capital of the nation, is an evident injustice. Special attention is asked by the Commissioners of the District in their report, which is herewith transmitted, to the importance of a permanent adjustment by Congress of the financial relations between the United States and the District, involving the regular annual contribution by the United States of its just proportion of the expenses of the District government and of the outlay for all needed public improvements, and such measure of relief from the burden of taxation now

resting upon the people of the District as in the wisdom of Congress may be deemed just.

The report of the Commissioners shows that the affairs of the District are in a condition as satisfactory as could be expected in view of the heavy burden of debt resting upon it, and its very limited means for necessary expenses.

The debt of the District is as follows:

Old funded debt.....	\$8, 379, 691 96
3.65 bonds, guaranteed by the United States.....	13, 743, 250 00
	<hr/>
Total bonded debt.....	22, 122, 941 96
To which should be added certain outstanding claims, as explained in the report of the Commissioners.....	1, 187, 204 52
	<hr/>
Making the total debt of the District.....	23, 310, 146 48

The Commissioners also ask attention to the importance of the improvement of the Potomac River and the reclamation of the marshes bordering the city of Washington, and their views upon this subject are concurred in by the members of the board of health, whose report is also herewith transmitted. Both the commercial and sanitary interests of the District will be greatly promoted, I doubt not, by this improvement.

Your attention is invited to the suggestion of the Commissioners and of the board of health for the organization of a board of charities, to have supervision and control of the disbursement of all moneys for charitable purposes from the District treasury. I desire also to ask your especial attention to the need of adding to the efficiency of the public schools of the District by supplemental aid from the national Treasury. This is especially just, since so large a number of those attending these schools are children of employés of the government. I earnestly commend to your care the interests of the people of the District, who are so intimately associated with the government establishments, and to whose enterprise the good order and attractiveness of the capital are largely due; and I ask your attention to the request of the Commissioners for legislation in behalf of the interests intrusted to their care. The appropriations asked, for the care of the reservations belonging to the government within the city, by the Commissioner of Public Buildings and Grounds, are also commended to your favorable consideration.

The report of the joint commission created by the act approved August 2, 1876, entitled "An act providing for the completion of the Washington Monument," is also herewith transmitted, with accompanying documents. The board of engineer officers detailed to examine the monument, in compliance with the second section of the act, have reported that the foundation is insufficient. No authority exists for making the expenditure necessary to secure its stability. I therefore

recommend that the commission be authorized to expend such portion of the sum appropriated by the act as may be necessary for the purpose. The present unfinished condition of the monument, begun so long ago, is a reproach to the nation. It cannot be doubted that the patriotic sense of the country will warmly respond to such prompt provision as may be made for its completion at an early day, and I urge upon Congress the propriety and necessity of immediate legislation for this purpose.

The wisdom of legislation upon the part of Congress in aid of the States, for the education of the whole people in those branches of study which are taught in the common schools of the country, is no longer a question. The intelligent judgment of the country goes still further, regarding it as also both constitutional and expedient for the general government to extend to technical and higher education such aid as is deemed essential to the general welfare and to our due prominence among the enlightened and cultured nations of the world. The ultimate settlement of all questions of the future, whether of administration or finance, or of true nationality of sentiment, depends upon the virtue and intelligence of the people. It is vain to hope for the success of a free government without the means of insuring the intelligence of those who are the source of power. No less than one-seventh of the entire voting population of our country are yet unable to read and write.

It is encouraging to observe, in connection with the growth of fraternal feeling in those States in which slavery formerly existed, evidences of increasing interest in universal education, and I shall be glad to give my approval to any appropriate measures which may be enacted by Congress for the purpose of supplementing with national aid the local systems of education in those States and in all the States; and, having already invited your attention to the needs of the District of Columbia with respect to its public-school system, I here add that I believe it desirable, not so much with reference to the local wants of the District, but to the great and lasting benefit of the entire country, that this system should be crowned with a university in all respects in keeping with the national capital, and thereby realize the cherished hopes of Washington on this subject.

I also earnestly commend the request of the Regents of the Smithsonian Institution that an adequate appropriation be made for the establishment and conduct of a national museum under their supervision.

The question of providing for the preservation and growth of the Library of Congress is also one of national importance. As the depository of all copyright publications and records, this library has outgrown the provisions for its accommodation; and the erection, on such site as the judgment of Congress may approve, of a fire-proof library building, to preserve the treasures and enlarge the usefulness of this valuable collection, is recommended. I recommend, also, such legislation as will render available and efficient for the purposes of instruction, so far as



is consistent with the public service, the cabinets or museums of invention, of surgery, of education, and of agriculture, and other collections, the property of the national government.

The capital of the nation should be something more than a mere political center. We should avail ourselves of all the opportunities which Providence has here placed at our command to promote the general intelligence of the people and increase the conditions most favorable to the success and perpetuity of our institutions.

R. B. HAYES.

DECEMBER 3, 1877.

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FOREIGN RELATIONS.

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# CIRCULARS.

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No. 1.

DEPARTMENT OF STATE,  
*Washington, May 23, 1877.*

*To the diplomatic and consular officers of the United States :*

GENTLEMEN: General Ulysses S. Grant, the late President of the United States, sailed from Philadelphia on the 17th instant for Liverpool. The route and extent of his travels, as well as the duration of his sojourn abroad, were alike undetermined at the time of his departure, the object of his journey being to secure a few months of rest and recreation after sixteen years of unremitting and devoted labor in the military and civil service of his country.

The enthusiastic manifestations of popular regard and esteem for General Grant, shown by the people in all parts of the country that he has visited since his retirement from official life, and attending his every appearance in public from the day of that retirement up to the moment of his departure for Europe, indicate beyond question the high place he holds in the grateful affections of his countrymen.

Sharing in the largest measure this general public sentiment, and at the same time expressing the wishes of the President, I desire to invite the aid of the diplomatic and consular officers of the government to make his journey a pleasant one, should he visit their posts. I feel already assured that you will find patriotic pleasure in anticipating the wishes of the department, by showing him that attention and consideration which are due from every officer of the government to a citizen of the Republic so signally distinguished, both in official service and personal renown.

I am, gentlemen, your obedient servant,

WM. M. EVARTS.

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No. 2.

[Sent to European countries and Turkish dominions.]

Separate.]

DEPARTMENT OF STATE,  
*Washington, June 28, 1877.*

*To the diplomatic and consular officers of the United States :*

GENTLEMEN: In view of the present hostilities between Russia and Turkey, and possible complications in other countries, the government of Switzerland has requested the continuance of the protection which has heretofore been extended to citizens of that republic by the diplomatic and consular officers of the United States.

You are consequently authorized to continue the exercise of your good offices in behalf of Swiss citizens, under the limitations prescribed by my predecessor in the circular instructions which he addressed to you on the 16th of June and 15th of December, 1871.

I am, gentlemen, your obedient servant,

WM. M. EVARTS.

No. 3.

[To diplomatic officers of the United States in Spanish-American countries.]

Separate.]

DEPARTMENT OF STATE,  
Washington, July 13, 1877.

SIR: Under the provisions of section 208, Revised Statutes, and of paragraphs 380, 381, and 382 of the Consular Regulations, the representatives of the United States in foreign countries are instructed to transmit to the Department such commercial information and statistics as they respectively obtain, in order to enable the Secretary of State to prepare the annual reports upon the "Commercial Relations of the United States," which the laws authorize him to make.

Besides the general information thus to be compiled, there is another and more specific line of inquiry, to which the Department now desires to invite your attention.

It is believed that the period has now arrived when it would be wise for all the nations of this continent to consider more carefully than heretofore how they may best enlarge their trade with each other. Their geographical position and the resemblance between their political institutions facilitate the cultivation of such commerce.

The United States are in a condition to supply cheaply and easily many products and manufactured articles suitable to their wants to all, or nearly all, of the Spanish-American republics, as well as the empire of Brazil, receiving in return natural products which can be utilized here. A favorable opportunity for the development of such trade would seem to be now offered by the prevailing stagnation of business and depression of prices. It is desirable, of course, for the United States that they should find markets for the export of their products and manufactures; and, on the other hand, it is advantageous to the people of those countries that they should be able to purchase at the present decreased valuation.

Apart from questions of merely commercial or pecuniary advantage, the development of such trade would have also a beneficial influence upon the political condition of the republics of this continent. It is for the interest both of North and South America that all those republican governments should have stability, peace, law, and order. It is not unreasonable to believe that when the popular energy, now wasted upon schemes of revolution or military aggrandizement, shall have been turned toward more peaceful and profitable enterprises, the republican form of government in each and all of those countries will thereby be strengthened, and more harmonious relations will prevail between them.

In view of these considerations, it is desired by the Department that its diplomatic and consular officers should devote attention to the question of methods by which trade with the United States can be most judiciously fostered.

Without seeking to interfere with any commercial operations or enterprises that may now be in existence, it is nevertheless deemed highly probable that you may be able, by examination and inquiry, to point out branches of trade with \_\_\_\_\_, in which the United States may properly and usefully share. You are instructed, therefore, to make such examination at your convenience, and to advise the Department, when suitable occasions shall offer, as to the demand for different kinds of manufactured articles now used in \_\_\_\_\_, their nature and prices, and whether they are of the character which it is probable the industry of the United States can supply. Also, as to the products of \_\_\_\_\_,

in which the trade with the United States could be increased, either by legislation, or by executive action, or by commercial enterprise.

The inquiry here suggested should not be hastily made, nor is it expected that it will be rapidly accomplished. It is rather the purpose of the Department that it should be continuous, and that you may from time to time communicate to the government such information as you may from time to time acquire in this direction, in order that it may be laid before Congress and the general public.

I am, sir, your obedient servant,

WM. M. EVARTS.

No. 4.

[To diplomatic officers of the United States in European countries.]

Separate.]

DEPARTMENT OF STATE,  
*Washington, August 7, 1877.*

SIR: Under the provisions of section 208, Revised Statutes, and of paragraphs 380, 381, and 382 of the Consular Regulations, the representatives of the United States in foreign countries are instructed to transmit to the Department such commercial information and statistics as they respectively obtain, in order to enable the Secretary of State to prepare the annual reports upon the "Commercial Relations of the United States," which the laws authorize him to make.

Besides the general information thus to be compiled, there is another and more specific line of inquiry to which the Department now desires to invite your attention.

It is believed that the period has now arrived when it would be wise for the nations, not only of this continent, but also of Europe, to consider more carefully than heretofore how they may best enlarge their trade with this country. The United States are in a condition to supply cheaply and easily many products and manufactured articles suitable to the wants of different countries, receiving in return natural products and articles of manufacture which can be utilized and consumed here. A favorable opportunity for the development of such trade would seem to be now offered by the prevailing stagnation of business and depression of prices. It is desirable, of course, for the United States that they should find markets for the export of their products and manufactures; and, on the other hand, it is advantageous to the people of other countries that they should be able to purchase at the present decreased valuation.

In view of these considerations, it is desired by the Department that its diplomatic and consular officers should devote attention to the question of methods by which trade with the United States can be most judiciously fostered. Without seeking to interfere with any commercial operations or enterprises that may now be in existence, it is nevertheless deemed highly probable that you may be able, by examination and inquiry, to point out branches of trade with in which the United States may properly and usefully share. You are instructed, therefore, to make such examination at your convenience, and to advise the Department, when suitable occasion shall offer, as to the demand for different products and manufactured articles now used in their nature and prices, whenever they are such as it is probable the industry of the United States can supply. Also, as to the products of

in which the trade with the United States could be increased, either by legislation or executive action or by commercial enterprise.

The inquiry here suggested should not be hastily made, nor is it expected that it will be rapidly accomplished. It is rather the purpose of the Department that it should be continuous, and that you should from time to time communicate to the government such information as it may be in your power to acquire in this direction, in order that it may be laid before Congress and the general public.

I am, sir, your obedient servant,

F. W. SEWARD,  
*Acting Secretary.*

# CORRESPONDENCE.

## ARGENTINE REPUBLIC.

No. 5.

*Mr. Osborn to Mr. Fish.*

No. 119.]

UNITED STATES LEGATION,

*Buenos Ayres, November 19, 1876. (Received Jan. 23, 1877.)*

SIR: After the adjournment of the Argentine Congress, the President, his cabinet, and the diplomatic corps, with about three hundred guests, left Buenos Ayres, October 25th, and proceeded to Tucuman, the capital of the Province of Tucuman, to inaugurate the railroad just completed from Cordova to Tucuman, a distance of about five hundred miles. This road is but a continuation of the railroad constructed from Rosario to Córdoba some years ago by a Mr. William Wheelright, an American citizen of Massachusetts, and known here as the "railroad pioneer" in South America.

The city of Tucuman (now connected with Buenos Ayres by water and rail) is about nine hundred miles from here, a city of about twenty-two thousand souls, situated at the foot of the lower range of the Andes Mountains, and about four hundred miles from the Pacific coast.

The province of Tucuman is called by Argentines the "garden-spot" of the republic. It certainly is in a higher state of cultivation than any province I have visited. Soon after crossing the state line we found beautiful rivers, fine farms, and good rich soil.

The people of the province, heretofore with no communication with the outer world, except by diligence and bullock-cart, principally live on what they produce. They raise their own wheat and corn, grow their own sugar-cane and coffee, and make their own wine and cheese, &c., all of which we found to be of very excellent quality.

Tucuman is the native city of President Avellaneda, and his reception by all his old friends and townsmen was warm and enthusiastic. At the railroad station he was called on for a speech; after bowing his thanks, he said, "No; wait till I reach the plaza, and I will address you from the spot where stood the post upon which was placed my father's head after it was separated from his body by the order of the tyrant Rosas."

At the plaza the President began his address by saying, "Sixteen years ago I left this city with a few books under my arm in a bullock-cart; I return to-day for the first time since that period in the carriage of steam as your Chief Magistrate."

The President's wife and family accompanied him and his party to Tucuman. It is a peculiar coincidence in the history of the two families, that soon after the assassination of the President's father, then governor of Tucuman, Mrs. Avellaneda's father was assassinated at Barracas, a few miles below this city, by the order of Rosas.

After a stay of some nine days at Tucuman we returned to this city, after an absence of three weeks.

Much relief has been experienced within the last month and a half, both by the government and the people, by reason of the loan of ten millions to the national government by the Provincial Bank of Buenos Ayres. For many months the army and the employés of the government, including the members of Congress, had not been paid. The President refused to draw his salary. The pressure produced much discontent, especially in the army, and it was thought a revolution would be the result; but since the loan, and as the wool-crop is now coming into market, gold has fallen from thirty-six and forty to fourteen and sixteen; money is easier. The prospects for the future are better, and no revolutionary trouble to the government or the administration of President Avellaneda is anticipated.

I am, &c.,

THOS. O. OSBORN.

No. 6.

*Mr. Osborn to Mr. Fish.*

No. 120.]

UNITED STATES LEGATION,

*Buenos Ayres, December 11, 1876. (Received Jan. 30, 1877.)*

SIR: Many of this city were surprised, on the morning of November 28th, to learn that at a late hour on the night before, by decree of the President and his ministers, the provinces of Buenos Ayres, Santa Fé, Entre Rios, and Corrientes were declared under state of siege till the next meeting of Congress, May next.

The decree was based principally upon the movements of the notorious Lopez Jordan, who had crossed over from Uruguay to Entre Rios, where his partisans had gathered for insurrection.

The plan of insurrection embraced chiefly the four river provinces, as the President claimed, and the government was in possession of all the details and the appointed hour for outbreak. About one hundred and fifty suspected citizens of this city were arrested and placed on a government vessel in the harbor, under guard. In this city, and in fact in all the provinces, since the 27th of November, there has been no outbreak, except in Entre Rios, where there has been some skirmishing between the government troops and the party led by Lopez Jordan.

This morning a dispatch was received by the secretary of war that Lopez Jordan was captured yesterday and is now a prisoner of the government. The insurrection or rebellion is considered over. It is understood that General Mitre had no knowledge of the movement, or that he would not countenance any such a project.

Lopez Jordan, for the past few years, has made his headquarters in Montevideo, Uruguay, as an exile from Entre Rios. He is the same Lopez Jordan who some years ago caused the assassination (according to his own written proclamation a short time afterward) of General Urquiza, his own father-in-law, who was formerly President of the Argentine Republic, and at the time of the assassination governor of Entre Rios. For the head of Lopez Jordan President Sarmiento offered thirty thousand dollars reward.

This is the third attempt of Lopez Jordan against this government. The two former assumed the dignity of revolutions, as they lasted for

more than a year each; but this last, by the prompt and timely action of the government, was speedily put down.

I was informed this morning, by an official at the government office, that Lopez Jordan was undoubtedly captured, but had been placed for safekeeping in the hands and under the control of one of his own friends, and that it was quite probable he had escaped the punishment he so richly deserves.

I am, &c.,

THOS. O. OSBORN.

No. 7.

*Mr. Osborn to Mr. Fish.*

No. 130.]

UNITED STATES LEGATION,  
Buenos Ayres, March 19, 1877. (Received May 14.)

SIR: Much excitement and an intense feeling in this city have been developed within the past few weeks by the discussion in the public press as to the extent of crime committed daily in this city and province, in the shape of murder, assassination, and robberies.

The press at last declined to give any account of it except to give the number of assassinations and murders committed every twenty-four hours, and advised the people to keep off the streets at night, as it was exceedingly dangerous, and that it was undoubtedly true that assassins and murderers had almost possession of the city as well as the open country.

The pressure brought to bear by the public press and public opinion caused a change of ministers in the provincial cabinet, and Señor Quesada, some two weeks ago, was made minister of justice.

Upon examination by Minister Quesada into the matter, it was found that the jails in this city and elsewhere were crowded with parties tried or to be tried for the crimes of assassinations and murders; many had been tried and sentenced one and two years ago, and doubtless had been forgotten. In the jail at Mercedes, ninety miles west of Buenos Ayres, one hundred and twenty were found confined, tried already, or charged with the crime of murder or assassination.

The good people began to feel a relief, and applaud, as well as the press, Minister Quesada as the right man in the right place, as he at once ordered out five criminals convicted of murder to be shot, and the order was duly executed, and twenty more to be ready for the next execution.

I am, &c.,

THOS. O. OSBORN.

No. 8.

*Mr. Osborn to Mr. Fish.*

No. 131.]

UNITED STATES LEGATION,  
Buenos Ayres, March 20, 1877. (Received May 14.)

SIR: Notwithstanding the state of siege in this and other provinces, rumors of rebellion and outbreak in this province and that of Santa Fé have been afloat for the past few days; and while Santa Fé has called



for national troops, and the troops of this city are kept ready for any emergency, I do not think there will be any serious trouble, but that the present excitement is simply the result of the nearness of the elections, which take place for governors in this and other provinces next Sunday.

It seems that in the province of Buenos Ayres especially, the dominant, or the party now in power, is divided between two candidates, and it is feared, as a result of such a division, that the opposition or Mitresta party, while it has taken little or no part in any contest of the kind since its defeat in the last Presidential election, three years ago, will now come in and elect its candidates, which would have much influence in the next Presidential contest.

Much anxiety was felt by citizens and foreigners here over the last Presidential contest in the United States. Many could not understand how we could escape civil war. Even Ex-President Sarmiento, who had lived in the United States for many years as Argentine minister at Washington, who understood our government and knew our people better perhaps than any other leading man of this country, gave up all hopes of a peaceable settlement of the question, and addressed a letter to *La Tribuna* of this city lamenting the failure of the "model republic," declaring that "the light in his light-house had gone out." &c.; but when the telegrams came telling us that Governor Hayes had been declared duly elected by the people—had been duly inaugurated under the Constitution, and that "all was quiet on the Potomac," he, as well as all others who felt a deep interest in a peaceable solution of the critical question, was quite ready to declare it as grand a triumph for republican governments as that of our government over the late rebellion.

I am, &c.,

THOS. O. OSBORN.

No. 9.

*Mr. Osborn to Mr. Fish.*

No. 133.]

UNITED STATES LEGATION,  
*Buenos Ayres, April 10, 1877. (Received May 16.)*

SIR: The elections for provincial officers, which took place on Sunday, the first instant, were comparatively quiet in this city, except in the western part of the polls, known as "Balvanera," where a riot occurred, when, from the house-tops and in the streets, fire-arms were used, and the result was, four men were killed and some eight to ten were severely wounded, some of whom have since died.

In the province of Santa Fé matters seem to have been more serious. For some time there had been great uneasiness in the public mind; many prominent persons were arrested and the troops were called out.

As the province is in a state of siege, (as well as this,) it is very difficult to obtain any reliable data except what the government is pleased to give, but it appears from official dispatches that there were two battles near the city of Santa Fé, the capital of the province, between the rebels and the government troops. One of the government officers reports twenty of the rebels killed at the Paso las Conchas, while attempting to cross the arroyo in the face of his fire; and Commander Romero, also an officer of the government troops, reports a splendid charge of his cavalry, with eleven of the rebels killed, many wounded

and prisoners. It appears that the rebels were led, the infantry by a man by the name of Cullen, and the cavalry by Colonel Iturraspe, and both were killed in the skirmishes or fights, and most of their followers were taken; while it is now reported that all is quiet in the province. Business affairs have been affected seriously by the political disturbances, and it will take them some time to recover.

I learn from very good authority that a rebellion against the government was to have broken out in this city at the same time as that at Santa Fé, and that two thousand men were ready to take arms, and that the failure was caused by the weakening of their leader, whose bravery and pluck oozed out when the time came for action.

It appears to me that this country is in a very critical condition, by reason of the commercial crisis, which does not improve; the long drought in the summer, which has seriously affected the fields; and now by the heavy rains of the past two weeks, which have flooded them; by the discontent in political matters, which has disturbed business affairs, sent up gold, brought down Argentine bonds, and rendered a European loan to the Argentine Government almost an impossibility to obtain.

The Argentine Congress meets next month, and the independent press insists that the President will, in his message to Congress, give the facts and a true statement of the condition of the country and the government.

I am, &c.,

THOS. O. OSBORN.

No. 10.

*Mr. Osborn to Mr. Evarts.*

No. 140.]

UNITED STATES LEGATION,  
Buenos Ayres, May 9, 1877. (Received June 25.)

SIR: On the 3d instant, the Argentine Congress met, and President Avellaneda read his annual message to both houses assembled in the chamber of the deputies, a copy of which I have the honor to transmit with this.

The message seems to be accepted by the public as a very fair statement and a faithful picture of the state of national affairs, and will produce, it is believed, good results, both at home and abroad.

It appears from the message that the total Argentine national debt amounts to sixty-five million five hundred and seventy-two thousand six hundred and twenty dollars, of which more than two-fifths is home debt.

It is claimed that the last year was the first when the exports have exceeded the imports, and that the year 1876 gains a balance of about eleven and a half millions in favor of the country.

The President congratulates the country upon the fact that the national expenditure in the last year was 30 per cent. less than the average of the three previous years, and that while the last Congress voted thirty-one and a half millions for the total expenditures of the year, only twenty-two millions have been expended; thereby the government has made, in the last year, a saving of nine and a half millions, or 30 per cent. on last year's budget.

The President closes his message by declaring that in his opinion, as

three years have now elapsed since the revolution of 1874, it may now be considered as forgotten; and in the name of a generous patriotism declares all persons in exile for military or political offenses may return to the republic unconditionally, and that he would at the earliest opportunity request the senate to restore the superior officers implicated in the revolution of 1874 to their rank in the army, except such as are under trial for ordinary offenses, and at the same time affirms that under the present circumstances the country needs the efforts of all; hence a policy of pacification is requisite.

This proclamation of amnesty in the President's message to all in exile, and the restoration of the officers of the army to their former rank, who were implicated in the rebellion of 1874, is much discussed, and various are the opinions of the leading men as to whether General Mitre and his officers, who were engaged with him in the revolution, will accept the olive branch of peace tendered by the President and resume their former places in the army.

It is reported, and I think there can be no doubt, that the President and General Mitre have had one or two more private interviews in the last few days with a view to harmonize all political differences between the two parties, that peace and prosperity might be restored to the country.

Rumors are now current that the political differences have been settled between the two parties, so far as the leaders of each party could accomplish such a result, and that General Mitre would soon issue a manifesto to his party and the public. It is hoped, by the commercial portion of the people, that these rumors may be found to be true, as much uneasiness is felt among the business men, which results from rumors of revolution and outbreak every few days.

I am satisfied that President Avellaneda and his administration will go to any proper extent to harmonize and disarm the opposition of any reasonable pretext for revolt or open rebellion; and General Mitre, while a soldier and at the head of the army when the revolution of 1874 broke out, is a man of peace, and has great influence with the opposition, and I think whatever adjustment he may make or consent to will be accepted by his party.

I am, &c.,

THOS. O. OSBORN.

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No. 11.

*Mr. Osborn to Mr. Evarts.*

No. 141.]

UNITED STATES LEGATION,  
Buenos Ayres, May 14, 1877. (Received June 25.)

SIR: I inclose herewith a printed copy of the manifesto of General Mitre, leader of the opposition to the present administration, to his friends and the public, in relation to the present difficulties, and the responsibilities which he assumed in attempting to adjust them and to pacify the country and restore constitutional order.

The general admits that he had a private conference with the President, but nothing was proposed or arranged, except the frank recognition of the necessity of peace and order.

However indefinite the results of the conference between the President and General Mitre, it is considered by the business portion of the country as one step, at least, toward reconciliation, peace, and good

order, and perhaps prevented an outbreak, which it is now claimed was ready and in force to the number of six thousand armed men, and would have taken place on the night of the 10th instant, had it not been for the course pursued by General Mitre.

I am, &c.,

THOS. O. OSBORN.

[Inclosure.]

[From the Standard, May 13.]

*Manifesto of General Mitre.*

Buenos Ayres, May 11.

In consequence of recent events, and the responsibilities assumed by me, I feel bound to address my political friends.

In the first place, I have been solely inspired by love of country, and have consulted the glory of my party in its relations with the general welfare.

I therefore repeat what I declared three years ago, when confined in a dungeon after the September revolution, that, "Victories, to be beneficial for all parties, must be legitimate and fertile, because outside the dominion of right all is violence."

Since we were overpowered by force we have upheld the banner of our right, laying down our arms at Junin to restore peace to the country. Persecuted as we have been and excluded from office, ruled by force and disinherited of our rights, we protested against such outlawry; we maintained what we consider right, and contributed as far as possible to ward a constitutional policy which would pacify the country and restore public confidence.

Under these circumstances, the governor of Buenos Ayres has come forward to condemn the fraudulent elections which have reduced the country to its present condition, and proclaimed the necessity of purifying popular suffrage, so as to guarantee all parties in the enjoyment of constitutional life.

Almost simultaneously the President of the republic (in an incomplete manner) solemnly proclaimed "the urgency of the national government guaranteeing public security by the enactment of wise laws to prevent frequent recourse to exceptional and precarious measures, such as state of siege."

President Avellaneda further admits that there is a general feeling of uneasiness, showing the abnormal state of affairs; and that an important political party in Buenos Ayres keep aloof from all share of public life, adding that "one party cannot absorb public life without governing in a despotic manner, since the exclusion of parliamentary discussion leads to intrigue in secret."

Finally, the President declares a policy of oblivion, and condemns the bastard policy of such governments as leave elections in the hands of factions.

It is for the triumph of such ideas, the abolition of political monopoly, of electioneering governments, of usurping oligarchies, of exceptional and precarious measures, of despotic rule, that we have fought, that we mean to fight, to fight to the last. Therefore, the proclamation of our principles, from the mouths of those who have forgotten or neglected the rules of good government, is the fullest justification of our conduct and a moral trial for civic constancy.

Although the facts do not correspond with the promises, and the amnesty is unacceptable since it is not unrestricted, I consider that the promises modify the situation, at least externally.

It has been therefore our duty to listen to proposals of an arrangement which will place the country in constitutional order. Before taking on myself the responsibility of such a step, I requested my friends to maintain order till we obtained moral guarantees, the only ones we could expect, that the facts would come to confirm the solemn declarations.

A private conference which I have had with the President of the republic authorizes me to hope that his acts will be up to his promises. We have arranged or proposed nothing, except a frank recognition of the necessity to pacify the country and restore constitutional order.

On my part, I pointed out to the President—

1. That the amnesty must be a general oblivion on both sides, and unrestricted.
2. That our party coveted neither power nor emoluments, but declined all participation in the present political régime, seeking only freedom of suffrage so as to restore republican principles to their proper efficacy.
3. That we hoped the President's acts would fulfill his promises, and that hereon depended our future attitude.

The President, in reply, expressed in general terms that his promises meant a new

policy, which he had wished for during the last three years, and that he would spare no efforts to carry it out and make it productive of good results.

Such was, in brief, the purport of our conference, both of us speaking frankly of the requirements of the time; and, in conclusion, I assured his excellency that as our conference was the first step toward pacification, it only remained for him to make his deeds correspondent with his declarations.

What evermay be the results, we have given unquestioned proof of patriotism and good will. Let those who have promised a new political era of truth and justice fulfill their engagements with sincerity.

Meantime let us maintain our attitude of protest, and give our party a political organization, either to continue our civic resistance as heretofore for our unrecognized rights, or to enter upon the pacific struggle within the limits of the constitution as soon as it becomes a reality for us all.

Wishing happiness to all my friends, I remain,

BARTOLOMÉ MITRE.

No. 12.

*Mr. Osborn to Mr. Evarts.*

No. 142.]

UNITED STATES LEGATION,  
*Buenos Ayres, May 26, 1877. (Received July 30.)*

SIR: The festivals known here as the May festivals, beginning on the 23d instant and closing last night, the 25th, in honor of the independence of the Argentine Republic, passed off with much splendor and enthusiasm.

The Te Deum at the cathedral on the 25th was attended by the President, his cabinet, and the foreign representatives.

During the ceremonies at the cathedral, all the troops in the city were drawn up on parade, and after the church ceremonials were concluded they were reviewed by the President.

In the afternoon, at the Colon Theater, there was held a literary conference, where orations by General Mitre and others, and a poem by Señor Olegario Andrada, were read. The subject of the "literary conference" was to raise money for the "San Martin fund."

Some few weeks ago President Avellaneda addressed a public letter to the different provinces and societies of the republic, asking each and all to contribute money for the purpose of bringing the remains of General San Martin from Europe to this country.

General San Martin was born in Entre Rios, now a province of this republic, and was one of the revolutionary heroes of South America. He was in command of the army on the west coast when the independence of the Argentine, Chilian, and other republics of South America was acknowledged by Spain, and when peace and independence were obtained he resigned his command, and, saying to his countrymen, "I know nothing about governments or making laws; my work is done," sailed for Europe, where he died some thirty years after.

I understand that quite sufficient money has already been contributed, and the government will send a war-vessel to bring back his remains, although the Chilian Government has offered the iron-clad *Almirante*, now in Europe, for that purpose.

I am, &c.,

THOS. O. OSBORN.

No. 13.

*Mr. Osborn to Mr. Evarts.*

No. 148.]

UNITED STATES LEGATION,  
*Buenos Ayres, July 21, 1877. (Received September 25.)*

SIR: This country, and especially this province and its people, are again suffering by reason of the rains and floods of the past few days. For three days it rained continually both day and night, and most of the time in torrents.

From reports it appears to have been general, from the west to the east coast, but perhaps this province is the greatest sufferer, especially the southern part.

I am informed by the vice-president and superintendent of the Southern Railroad that in the southern portion of this province fully two hundred leagues were under water.

It is estimated that the loss in sheep alone will number from two to three millions. Perhaps that is an overestimate, but there can be no doubt that the loss in sheep and cattle is very severe. The national government, as well as the provincial government, societies, and individuals, has been called upon for assistance, and it is said that each and all have responded nobly.

The province of Santa Fé within the past few weeks has been afflicted by another rebellion and the loss of the California colony.

The rebellion was headed by an ex-governor of the province, but it was soon put down with the loss of few lives. It is said, and I think it cannot be doubted, that Señor Bayo, the governor of the province, is the cause of all the trouble and attempted revolutions by his acts of severity, tyranny, and frequent arrests of citizens without authority of law. I understand that he has promised the President to resign his office.

The colony in the upper Santa Fé known as the "California colony" came from California some eleven years ago, consisting of about forty families, and settled in the upper part of the province, outside of the military frontiers. They brought considerable money with them and purchased their own lands. With an experience of eleven years in this country and about half the money they brought, they a few days ago shipped at this city for Texas, where they intend to settle near the Rio Grande, between Fort Clark and Eagle Pass.

I am, &amp;c.,

THOS. O. OSBORN.

## AUSTRIA-HUNGARY.

No. 14.

*Mr. Beale to Mr. Fish.*

No. 3.]

LEGATION OF THE UNITED STATES,  
*Vienna, August 14, 1876. (Received August 31.)*

SIR: Since my arrival in Europe a month ago I have diligently endeavored to inform myself of the average opinion of the people in relation to the present outlook of the various countries interested in the war of Turkey and Servia, which threatens to involve the entire continent in its results.

In looking for this public opinion I have sought chiefly to get at the ideas of that strong and vigorous middle class, whose views on political subjects are justly to be regarded as of great importance and weight from the deep interest so large a portion of the population must have in the welfare of the countries in which they live.

Pursuing this inquiry I have been surprised at the unanimity of expression of a religious sentiment which, in my judgment, is likely to overbear all other considerations, and in the end involve these nations in a disastrous war; for such a war, even to the final victors, can scarcely fail to prove a disaster.

Wherever I have asked I have found, without exception, that the deeply-rooted aversion to the Turks expressed by every one, arose not from well argued political objection, but from the religion of that nation. In England this has been so evidently the case that I think it probable the departure of Great Britain from her general policy in regard to Turkey may be a recognition of the evident feeling of her people on the religious question involved.

In a discussion, one of many, with a very intelligent citizen of that country, and after I had, for the sake of eliciting his views, taken the Turkish side of the argument, he said, finally, "I am surprised that you, coming as you do from a God-fearing and church-respecting people; can look without indignation at the prospect of the religion of Mahomet triumphing over that of Christ." I replied that all this was equally true at the time of the Crimean war, which had cost England so many valuable lives and so much treasure. To which he answered, "Yes; but we are wiser now, and public opinion has advanced immensely since that time, and I can tell you the people of this country will not permit the outrageous policy of neutrality between our Christian brothers and the followers of Mahomet."

If France I had a similar experience with a gentleman on this subject. He said, after considerable discussion, "What have the Turks ever done to advance civilization?" For argument's sake I said, "What have the Greeks done; or the Servians?" He replied, with great warmth, "They are Christians, sir, and that alone is enough; but the Turks with their abominable religion must be driven out of Europe."

In Vienna I have heard the same sentiments expressed with equal emphasis on the religious point; all of which satisfies me that it is a question of faith which will govern public opinion in Europe, and that a crusade is quite as possible now as when Peter the Hermit preached so many centuries ago; for now, as then, the priest marches with uplifted cross at the head of the Christian army in Servia.

There is but one thing which may prevent this for the present, and that is the division of the spoils of Turkish Europe; but even this will, in my opinion, only secure a temporary postponement of the final struggle.

Should Turkey be successful through conquest of arms, I do not doubt that religious sympathy in Europe will compel the nations to interfere in favor of Servia, in spite of the evident policy of peace at this time. I think Turkey herself sees this, and is therefore desirous of conducting the war on as civilized a scale as possible; for, as a nation, I do not at all believe the massacres reported as having taken place were authorized, or countenanced, by the government, but were rather an ebullition of feeling, breaking out in places where the government was too weak to control the people, and carried on by a few of the most ignorant and fanatical of the populace. It is probable this, too, is the cause of the very slow advance of the Turks into Servia.

Servia lies perfectly open to invasion from Turkey along her entire southern border, and however strong the patriotism of her people, inflamed and added to by religious belief, it is difficult to see how the disciplined arms and unquestioned courage of the Turks can be successfully resisted by the less disciplined, less numerous, and less effective troops of the Servians.

Certainly the whole of Europe is to-day in a very feverish and restless condition, and fully alive to the possibility of war at any moment, and in spite of the reiterated expressions of a peaceful intention, every nationality is busily preparing for the time when some unexpected sparks may awaken into flame the combustible material with which the "Eastern question" is laden.

With all this we have, happily, as a nation, no immediate concern, and I only report it with whatever interest it may have, for the information of the Department of State, and as it presents itself to my understanding from the opportunities I have had of making up my judgment on the present condition of affairs.

I have, &c.,

E. F. BEALE.

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No. 15.

*Mr. Beale to Mr. Fish.*

No. 4.]

LEGATION OF THE UNITED STATES,  
Vienna, August 18, 1876. (Received September 11.)

SIR: The character of the war as waged by the Turks against the Servians does not seem to lessen in violence, in spite of the horror such scenes are exciting in the civilized world.

The occupation by them of the valley of the Timok presents a repetition of the horrors of the province of Bulgaria, but it is to be hoped a knowledge at Constantinople of a united and ominous sentiment throughout Europe of sympathy with their fellow Christians may at least tend to soften the rigor of the conquerors. The valley of the Timok, it is said, has been absolutely depopulated. Those of the inhabitants who have escaped the sword have taken refuge, to the number of 60,000, in Roumania.

Although against a probability of success, the Servians seem determined to fight this war out to the bitter end, probably with the hope



that its prolongation may bring to their aid some of those powers who are burning with impatience to assist them, but withheld by motives of policy.

Sir Charles Dilke, in a speech delivered in London on the 16th instant, vouches for the veracity of the accounts of the desolation of Bulgaria and the wholesale slaughter of unarmed men and innocent women and children, scenes which have been repeated, it is said, in the valley of the Timok, and will be, I fear, throughout Servia. These appalling massacres, reported on such respectable authority, lead me to qualify my first opinion that they had been exaggerated, both in extent of territory and numbers, and to join in the horror which is everywhere expressed at such barbarity.

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To create a desert and call it peace is not a new art, but to revive it as a lost one belongs to the warfare of the modern Turks, if we may believe what is currently reported, on apparently good authority, of them, but which it is still to be hoped may prove to be the exaggeration of partisan feeling.

The following proclamation has been issued by the Sultan :

CONSTANTINOPLE, *August 14.*

The following is the dispatch sent by the Porte to its representatives abroad, relative to the Bulgarian amnesty :

“ His Imperial Majesty the Sultan, our august master, moved by his sentiments of paternal solicitude and exceeding clemency, has been pleased to grant a full and complete amnesty to all the individuals who were implicated in the Bulgarian insurrection, and to those whose trial is not yet terminated. Excepted from this imperial clemency are those who have already been sentenced, and those who, having been accused of being the chiefs and organizers of the insurrection, have already been delivered into the hands of justice. All the others who are in custody will be set at liberty on giving due security. All prosecutions in connection with the events in question will be stopped, and henceforth no one will be pursued or arrested on this head. At the same time the special tribunals to which the preliminary inquiries have been intrusted will be suppressed, and the sentences passed on those coming under the above-mentioned exceptions will be referred to the ordinary tribunals.”

I have, &c.,

E. F. BEALE.

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No. 16.

*Mr. Beale to Mr. Fish.*

No. 7.]

LEGATION OF THE UNITED STATES,  
*Vienna, September 8, 1876. (Received October 5.)*

SIR: The war between Servia and Turkey was brought to a close, for the present, on September 1, by the battle of Alexinatz, in which, as might have been expected, superior arms and discipline gave victory to the Turks.

The intervention asked by Servia will doubtless end in peace, but I regard any settlement by the great powers, unless by making a most radical change in Turkish affairs, as of the most temporary character, and resembling those vain compromises by which in our own country it was sought to avert the inevitable conflict between freedom and slavery. Nor am I by any means disposed to agree with those who are congratulating themselves on the fact that the crisis of a general European war is over. Much will depend upon how the Turk bears his successes, for Christendom has been so shocked at his conduct, and is so full of

sympathy for its fellow Christians, that the least recurrence of such scenes as ushered in the campaign will make it hard to restrain Europe from an interference which would lead to the abolition of the Turkish government in Europe, and no amount of skillful diplomacy could restrain this movement if farther excited.

The population of Servia is 1,400,000; Bosnia, 1,300,000; Wallachia and Moldavia, now consolidated as Roumania, 4,500,000. Of these, seven-tenths are said to be Christians. Servia and Roumania are practically independent states, acknowledging the titular sovereignty of the Porte, and paying an annual tribute.

The population of European Turkey south of the Balkans is 6,000,000, of whom a majority are Turks, although even this is stoutly denied by some authorities.

To an American, the obvious idea would be for three contiguous states to unite under one government—if it were permitted, like our own—and under whose laws they could not fail to reach a distinguished position among the nations, as well as to give such an assurance of power in their unity as would command respect from all neighbors.

The habits of the people, I am told, differ as widely as their religion. The Christians are decidedly progressive: establish schools, improve in agriculture, are docile, humane, and industrious. The Turk is said to be just the reverse, and to have utterly lost his ancient characteristics of truthfulness and fair dealing, and to be morose, fanatical, vindictive, intolerant, and indolent; a foe to progress in any shape, and having his worst passions excited to frenzy by the appearance of a Christian school-teacher. If one may believe apparently impartial persons, they justify the remarks of Sir Gardiner Wilkinson, who says of them: "It is the only instance of a nation having reached its zenith of power without having been civilized. It came into Europe as a horde, it became powerful as a horde, and it remains a horde."

I have, &c.,

E. F. BEALE.

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No. 17.

*Mr. Beale to Mr. Fish.*

No. 8.]

LEGATION OF THE UNITED STATES,  
Vienna, September 27, 1876. (Received October 25.)

SIR: Since my last we have had various, constant, and conflicting rumors in relation to the peace negotiations now in progress in settlement of the Turco-Servian war.

The Servian army has been so largely reinforced by Russian volunteers that it is again very formidable, and, with the two opposing forces within rifle-range of each other, it is doubtful whether the pacific intentions of both governments may not be frustrated by accidental collision or the design of those who would prefer to see the war prosecuted rather than peace established. The proclamation by the army of Prince Milan as King seems to have been an embarrassing event to that ruler, for if he declines it he may offend his army to a degree that would jeopardize his position, and if he accepts he will offend powers which have been his greatest friends. The army is now said to be beyond his control, and an ambitious and successful leader of it might so far endear himself to the people as to render a usurpation of the supreme authority

no difficult matter. The peace negotiations seem to be a mere patch work of compromises, which, even if successful in bridging over the immediate difficulty, would leave the future full of anxiety and liable at any moment to set Europe in a blaze of war.

The more one looks at the Eastern question the more perplexing and intricate it becomes, and the greater the difficulty of reconciling conflicting claims and producing permanent tranquillity short of cutting the Gordian knot by a total termination of Turkish rule over the Christian provinces. Bosnia is a striking illustration of one of these difficulties. She is a sort of inland peninsula; that is to say, she is hemmed in by Montenegro, a virtually free province, bold, warlike and progressive, on one side, and Servia, occupying the same relation to Turkey as Montenegro, on the other, leaving Bosnia connected with the power to which she belongs politically only by a narrow neck of territory.

It is interesting to recall that in this country of Bosnia originated the first Protestant movement of Western Europe, and that even before the heresies (as the Catholic Church calls them) of John Huss, in Bohemia, she had sent out her missionaries to preach the gospel as she read it, and to disseminate her religious views over the rest of the world. When the persecutions of the church of Rome were at their worst, and de Montfort had desolated Provence, she offered, in this remote corner, a generous asylum to her co-religionists, many of whom found here what had been denied them at home, the right to worship God after their own forms and belief.

Suddenly, in 1643, in a single week, the Turks overran the entire country, and from that date to the present, the *bête noire* of European politics has been the Eastern question.

The country abounds in undeveloped mineral wealth, which, if worked, would produce a revenue capable of sustaining a great state. The Romans took from its mountains vast treasure in the precious metals, besides which it is richly supplied with iron and coal, and the largest deposits of quicksilver have long been known to exist there.

To our countrymen it will be interesting to know that the Slavic races inhabiting these states seem always to have had a strong democratic tendency, and a dim but instinctive sentiment in favor of republican self-government.

An intelligent and cultivated gentleman writing of them in this present year, and speaking of their past as well as present condition, says:

The whole Illyrian triangle was divided into a great number of small states or independent districts, called Zupa. Zupa means a bond or confederation, and each Zupa was a confederation of small villages or communities, represented by a magistrate called a Zupan. The Zupans *elected* a Grand Zupan, who may be looked upon as the president of the federation.

The same author, in speaking of the Croats, another branch of the Slavic race, says:

It became a constitutional principle in Croatia, that when the king died a new king should be *elected* by the bans of the crown lands.

This was as early as the seventh century; and in speaking of them as they exist to-day, he says:

The Bosnians are of a temperament admirably fitted for parliamentary government, and, what is more, owing to their still preserving the relics of the free institutions of the primitive Slavs, they are familiar with its machinery. In their family communities and in their villages the first principles of representative government are practiced every day.

This is high commendation from a most intelligent author, and gives hopes that the race which produced for ancient Rome a Justinian and a

Belisarius, as well as in later times the earliest Protestants of the Christian Church, may yet, under the benign influence of good government and freedom from the oppressive exactions of Turkey, justify the universal sympathy which has of late been so freely offered by all Christendom.

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I have, &c.,

E. F. BEALE.

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No. 18.

*Mr. Beale to Mr. Fish.*

No. 15.]

LEGATION OF THE UNITED STATES,  
Vienna, November 2, 1876. (Received November 20.)

SIR: I have received from the minister for foreign affairs a circular note, communicating the existing regulation in this empire bearing upon the deportment and salutes to be exhibited and tendered towards members of the army of other countries who may appear in military uniform, under the condition, however, that reciprocal attention shall be observed in those countries towards members of the Austro-Hungarian army. I am requested to submit this fact to the knowledge of the United States government, and accordingly append a copy of the note, which is in the French language, together with a translation.

I have, &c.,

E. F. BEALE.

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[Inclosure.—Translation.]

NOTE VERBAL.

According to the regulation introduced into the Austro-Hungarian army, and sanctioned by His Majesty the Emperor and King, all the members of the armed forces appear in uniform whether at home or abroad; then the sentinels and guards are required to render to the troops, flags, and military of other powers, without exception, the same honors as to the troops, flags, and military of the said army.

It is further the duty of the imperial and royal military officials, who may be abroad on leave of absence, and who desire there to wear their uniforms, that they present themselves before the military authorities of the station where they are passing their leave of absence.

While adding, that the regulation of courtesy in question has been enacted upon condition of reciprocity, the imperial-royal ministry for foreign affairs begs to request the legation of the United States of America to be pleased to convey the foregoing to the knowledge of its government.

VIENNA, October 30, 1876.

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No. 19.

*Mr. Fish to Mr. Beale.*

No. 14.]

DEPARTMENT OF STATE,  
Washington, December 6, 1876.

SIR: Upon the receipt of your No. 15, stating that you had received from the minister of foreign affairs a circular note communicating the existing regulations of the Empire bearing upon the deportment and

salutes to officers of the armies of other countries who may appear in military uniform, with the condition that reciprocal attention shall be observed in those countries toward officers of the Austro-Hungarian army, I caused a copy of your dispatch to be submitted to the Secretary of War, with the request that he would furnish me with a reply for your information.

I am now in receipt of a communication from the Secretary of War, inclosing a letter addressed to him by General Sherman, to whom the matter had been referred, and in whose views the Secretary states that he fully concurs. In this communication it is stated that as European nations are more familiar with the uniforms and decorations of rank among one another than we can be in this country, it might be difficult at times to instruct our troops to pay the honors due to particular ranks as shown by the uniforms of the several nations, but that every effort will be made to extend to Austrian officers traveling or sojourning in the United States the fullest honors belonging to their grade, whether by salutes of guns or guards of honor, requesting only that each officer carry with him and exhibit his commission or evidence of rank, which, it is stated, is usually certified through their minister residing in Washington.

The General of the Army expresses the pleasure it will give him in using every effort to reciprocate proper honors toward officers of the Austro-Hungarian army.

I will thank you to communicate these facts to the minister of foreign affairs.

I am, &c.,

HAMILTON FISH.

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No. 20.

*Mr. Beale to Mr Fish.*

No. 22.]

LEGATION OF THE UNITED STATES,  
Vienna, December 18, 1876. (Received January 22, 1877.)

SIR: Referring to Mr. Delaplaine's dispatch, No. 114, of the 14th of March last, wherein mention is made of the passage, at that time, by the Reichsrath, of a law authorizing and empowering the minister of finance for Cisleithania to contract a loan and to issue bonds for the same, the interest to be at the rate of 4 per cent. per annum, payable in gold, and the coupons to be free from all tax on redemption, I have now to advise you that on the 10th instant subscriptions to the same for forty millions of florins were invited at the rate of fifty-six florins in gold per hundred of the loan. The total amount was subscribed for on the first day.

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For my own part I must avow the opinion that the Austrian public credit does not exhibit a favorable appreciation, when a gold loan producing annually nearly 8 per cent. at the rate of emission did not obtain higher competition. As I am informed that the allotments now bear a premium of only one-half of 1 per cent., I am further disposed to believe that the subscriptions made were generally not for permanent investment, but in the speculative hope of early realizing a small profit thereon.

I consider it perhaps appropriate, in reference to the public credit of

Austria proper, to here submit certain statistics relative to the commercial movement, as deduced from the custom-returns (the duties being payable in coin only) in the various provinces represented in the Reichsrath, exclusive of Dalmatia.

The import duties for the current year exhibit a sum total of 13,433,260 florins, compared with 14,934,882 florins received the former year, producing a difference of 1,501,622 florins. In the duties of export the amount is this year also less by 4,794 florins than in the corresponding period of 1875, namely, 180,131—175,337; connecting with these figures those of indirect imposts, indicating a diminution of 21,721 florins, we have a total decrease of 1,527,637 florins.

The duties received in Dalmatia for merchandise imported from the 1st of January, 1876, to the 31st October for the current year exhibit a difference of 2,354 florins, compared with the figures of the corresponding period of the year 1875, being 285,433—283,089 florins.

As to the present quantity of coin now in Austria, I am unable to form a conjecture, as I have no official report, while I would remark that none has for a long time past been in circulation, with the exception of a much debased class of small coin, being fractional parts of a florin.

I am, &c.,

E. F. BEALE.

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No. 21.

*Mr. Beale to Mr. Fish.*

No. 29.]

LEGATION OF THE UNITED STATES,  
Vienna, January 27, 1877. (Received February 16.)

SIR: The Turks, having isolated themselves from the other European powers, by declining to accept any of the propositions of the conference, that body has dispersed.

More than two months ago the Emperor of Russia, in his Moscow speech, declared that if the European powers failed to extort from Turkey justice for its Christian subjects, he would for himself, and acting independently, compel the Turks to a recognition of their rights.

It now remains to be seen whether the condition of his country is such as to enable him to fulfill his pledge, or whether he will feel the mortifying necessity of admitting that what seemed to Europe as his solemn and deliberate words were the choleric and inconsiderate impulse of the moment.

If he really meant, and still means war, the opportunity was never so good before, and perhaps will never again be so favorable. The resistance of Turkey to the very moderate demands of the conference leaves her without an ally in Europe, and at the same time makes Russia in some sort the champion of the other powers to redress the wrongs of which they complained.

It is said that since the mobilization of her army, Russia finds it so far from what she thought, that she cannot make war with any hope of success against Turkey, and that the Turks, knowing that it is only a question of time when they must fight Russia, find it more convenient to do so now, while they have a veteran army already in the field, than to defer it to a time when Russia might be stronger and Turkey weaker. The armistice between Turkey and Servia terminates on the 1st of March,

so that if Russia would save that country from such treatment as Turkey usually awards to her enemies, she must be prompt to act, and the present month will probably be one of intense interest.

It is evident that the war cannot, if once begun, be localized, and it is difficult to foresee how far over the earth's surface it may extend. Only a few days ago I saw that the Mohammedan subjects of the Empress Victoria in India had subscribed several millions of dollars to aid the Turkish cause against any Christian state which might attack her.

It is not without its consolations to know that all Europe is suffering like ourselves from a terrible depression in financial matters, and perhaps that fact may be the most potent in deciding the question of war or peace. It is quite certain also to my mind that all Europe must, within a very few years, undergo a fearful political fermentation, from which it will emerge purified.

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As for the Eastern question, it remains just as it was before, for the present, until we see what action Russia may take in the matter.

I am, &c.,

E. F. BEALE.

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No. 22.

*Mr. Beale to Mr. Fish.*

No. 31.]

LEGATION OF THE UNITED STATES,  
Vienna, January 31, 1877. (Received March 3.)

SIR: Referring to my No. 27, I herewith forward through the United States consulate at Hamburg two publications this morning received from the foreign office, accompanying a note of which are herein inclosed a copy together with translation.

I have, &c.,

E. F. BEALE.

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[Inclosure.—Translation.]

In continuation of the respectful note of 5th of last month, the minister of foreign affairs has now the honor to communicate to the envoy extraordinary and minister plenipotentiary of the United States of America, Mr. Edward F. Beale, the information desired by him, and derived from the imperial-royal ministry of agriculture, relative to the production of gold and silver from the mines in Austro-Hungary.

Especially it must be remarked, that the statistical particulars received relative to the production of gold and silver in the entire Austro-Hungarian monarchy reach only to the year 1867 inclusive, but from the year 1867 to 1875 extend only to the provinces represented in the Reichsrath; further, the Austrian mining law prevails generally still in the countries of the Hungarian Crown, and therefore the statements delivered by the imperial-royal minister of agriculture fully suffice the commission appointed in Washington for the investigation of the coin, and currency relations.

As regards the question, how large the product of gold and silver mines during the present century may be, the ministry for foreign affairs begs to place at the disposal of the envoy the accompanying tabular statement, which contains the gold and silver production of the Austro-Hungarian monarchy in the years 1800 to 1867, and that in the provinces represented in the Reichsrath in the years 1868 to 1875.

The statements are derived up to the year 1854, from the "Review of the mining production of the Austrian Monarchy," compiled from official sources by the ministerial counsellor in the ministry of agriculture, F. M. von Friese, (Vienna, 1852 and 1855, Depository of F. Manz,) and for the following years, from the annually appearing statistical publications, (the mining operations in Austria.)

Proceeding to the second question, "under what conditions is the mining of the precious metals allowed, &c.," the following observations are proper:

The conditions for the acquisition and exercise of mining licenses for the precious metals are the same as for the other minerals derived (rather reserved) from the disposal of the land proprietors, and are settled by the general mining laws of May 23, 1854. Hereby every lawful purchaser and proprietor of land is entitled to obtain mining licenses and to purchase and own mines. (S. F. a. B. G.)

Whoever will uncover, that is, seek reserved minerals in their depositories, and open those found so far that the transfer of the right of possession of the same can follow, requires for that purpose the consent of the mining authorities, (sec. 13, 14, of a. B. G.) through indication of the point at which the discoverer intends to begin an opening and to set the marks of uncovering the mine; the discoverer obtains the right within a horizontal circle whose radius amounted to 425 meters, (224 Wiener clafter,) and whose center point is the place where the shaft is sunk, (free opening circle,) to forbid the erection of a strange shaft-house, (sec. 32, 21, of a. B. G.). The original acquisition of the right of property in the reserved minerals within a specified limit and the authority to extract the same, are dependent upon the permission of the mining authorities.

This is only admissible when reserved minerals in their depository are so disclosed in the designated place that they can be regarded according to the local relations as worthy of paying the expense of working. One to four simple pits may be granted upon a single opening; a pit includes a horizontal rectangle of 45,116 square meters, (12,544 square clafter,) and extends usually in perpetual heights and depths, (illimitable.)

Should the minerals, however, appear in hollows and beds of rivers, in masses of stone or mountain deposits, then the concession of mining claims is allowed to a surface of 115 square meters, (32,000 Wiener clafter,) the depths of which extend only to the loose stones upon it. (Secs. 40, 42, 44, 46, 47, 76, and 77, a. B. G.)

These are the material ordinances for obtaining mining authorizations. Mining operations are subjected further to the enactments of mining laws in regard to mining police, and the working of mines. (VIII and XII of a. B. G.)

For more precise information upon this second question there is attached, in the second appendix, a copy of the general mining law, and of the ordinances issued in the matter.

Finally, as to taxation of mines of precious metals, they are treated the same as all other mines, and every free opening and every simple pit is subjected to an annual impost of 4 florins; further, an income-tax, calculated at 5 per cent. of the net income upon the products of mining, is to be paid, to which are to be added the various supplementary taxes, which vary in amount.

The undersigned avails himself of this occasion to renew to the envoy the expression of his distinguished consideration.

Vienna, January 31, 1877.

For the minister for foreign affairs,  
ORCZY.

No. 23.

*Mr. Fish to Mr. Bea'e.*

No. 21.]

DEPARTMENT OF STATE,  
Washington, February 9, 1877.

SIR: By articles XVIII to XXI of the treaty of Washington of May 8, 1871, two copies of which are herewith inclosed, certain privileges with reference to fisheries on the coasts of the colonies of Great Britain are granted to the United States, and certain similar privileges upon our coasts to Great Britain, in addition to which the freedom from customs-dues on fish and fish-oil in the United States and the British colonies is conceded.

By article XXII, however, it was agreed that commissioners should be appointed to determine what compensation, in their opinion, if any, should be paid by the Government of the United States to Great Britain for privileges so accorded to citizens of the United States, the assertion having been made by Great Britain that the privileges so accorded to



the United States were greater than those granted to Great Britain, which assertion is not admitted by this Government.

The manner of the appointment of these commissioners was provided by article XXIII, which also provided for the appointment of a third commissioner, by the joint agreement of the two governments, and that if such commissioners should not have been so appointed within a period of three months from the date at which article XXIII became effective, that such third commissioner should be named by the representative at London of His Majesty the Emperor of Austria and King of Hungary.

Owing to the necessity of legislation, articles XVIII to XXV did not go into effect until July 1, 1873, and owing to various causes, to which I shall not advert, the third commissioner was not agreed on by the two governments within the three months named in article XXIII. Other negotiations then intervened, which, it was thought, might entirely do away with the meeting of the commission, and which have delayed the matter, so that it has not as yet been organized.

The two governments have made appointments, however, of commissioners, as provided in article XXIII, and of agents as therein provided, the third commissioner only being required to constitute the tribunal.

I have stated these preliminary facts to inform you generally upon the subject, and I transmit to you herewith the draught of a note which you will present to the minister for foreign affairs, requesting that the Emperor will be pleased to permit his ambassador at London to undertake the duty which, by article XXII of the treaty, the two governments have intrusted to him, and to select some person properly qualified to act as such third commissioner.

A note identic in form will be presented to the minister for foreign affairs by Sir Andrew Buchanan, Her Majesty's ambassador at Vienna, and you will arrange with your British colleague for the simultaneous presentation of your respective notes on this subject.

As it is hoped to organize the commission during the coming spring or summer, it is desired that no time be lost in submitting the subject and in requesting the requisite permission.

You will inform the department by telegraph as soon as you shall have received the reply of the Emperor, of the purport thereof.

I am, &c.,

HAMILTON FISH.

[NOTE.—For copy of draught of note mentioned, see inclosure 1 in No. 41, page 25.]

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No. 24.

*Mr. Delaplaine to Mr. Fish.*

No. 39.]

LEGATION OF THE UNITED STATES,  
Vienna, February 26, 1877. (Received March 16.)

SIR: I received on the 24th instant your No. 21, and without delay I advised Sir Andrew Buchanan of the arrival of your instructions in the matter therein referred to, he having some days previously intimated at the legation his anticipation of their coming. We engaged to arrange at the foreign office for an early interview with Count Andrassy, and he afterwards communicated to me that it would take place to-day at noon.

At the interview I presented to his excellency a copy of the treaty of

Washington, of May 8, 1871, together with a note drawn in accordance with the form inclosed in your dispatch, and almost identical with the note which was presented by the British ambassador:

The count, in reply, expressed his conviction that His Majesty would with pleasure direct his ambassador at London to act in compliance with the joint desire of the two governments, and name a third commissioner, and that in such event he would transmit by telegraph the requisite instructions to Count Beust.

I have, &c.,

J. F. DELAPLAINE.

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No. 25.

*Mr. Delaplaine to Mr. Fish.*

No. 41.]

LEGATION OF THE UNITED STATES,  
*Vienna, March 1, 1877.* (Received March 19.)

SIR: Referring to my Nos. 39 and 40, I beg to advise my receipt this morning of a note from his excellency Count Andrassy, wherein I am informed that His Imperial and Royal Majesty has graciously been pleased to consent that his ambassador in London should undertake the duty of selecting a gentleman to act as third commissioner under the twenty-third article of the treaty of Washington of 8th May, 1871, and that Count Beust has been accordingly instructed by his excellency the imperial-royal minister for foreign affairs.

His Imperial and Royal Majesty's ambassador has been further instructed, after having made the selection, to communicate forthwith the same to the foreign office in London, and to the representative of the United States at that court.

I herewith append a copy of my note to Count Andrassy, and his excellency's reply, together with translation.

I have, &c.,

J. F. DELAPLAINE.

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[Inclosure 1 in No. 41.]

*Mr. Delaplaine to Count Andrassy.*

LEGATION OF THE UNITED STATES,  
*Vienna, February 26, 1877.*

M. LE MINISTRE: Articles XVIII, XIX, and XXI of the treaty of Washington, of the 8th of May, 1871, of which I have the honor herewith to inclose a copy, provide for certain privileges in respect to fisheries and remission of customs duties, to be granted by the United States and Great Britain respectively, and in the twenty-second and twenty-third articles of the treaty it is further provided:

"ARTICLE XXII. Inasmuch as it is asserted by the government of her Britannic Majesty that the privileges accorded to the citizens of the United States under Article XVIII of this treaty are of greater value than those accorded by Articles XIX and XXI of this treaty to the subjects of Her Britannic Majesty, and this assertion is not admitted by the Government of the United States, it is further agreed that commissioners shall be appointed to determine, having regard to the privileges accorded by the United States to the subjects of Her Britannic Majesty, as stated in Articles XIX and XXI of this treaty, the amount of any compensation which, in their opinion, ought to be paid by the Government of the United States to the Government of Her Britannic Majesty in return for the privileges accorded to the citizens of the United States under Article XVIII of this treaty; and that any sum of money which the said commissioners may so award shall be paid by the United States Government, in a gross sum, within twelve months after such award shall have been given.

"ARTICLE XXIII. The commissioners referred to in the preceding article shall be appointed in the following manner, that is to say: one commissioner shall be named by the President of the United States, one by Her Britannic Majesty, and a third by the President of the United States and Her Britannic Majesty conjointly; and in case the third commissioner shall not have been so named within a period of three months from the date when this article shall take effect, then the third commissioner shall be named by the representative at London of His Majesty the Emperor of Austria and King of Hungary. In case of the death, absence, or incapacity of any commissioner, or in the event of any commissioner omitting or ceasing to act, the vacancy shall be filled in the manner hereinbefore provided for making the original appointment, the period of three months, in case of such substitution, being calculated from the date of the happening of the vacancy.

"The commissioners so named shall meet in the city of Halifax, in the province of Nova Scotia, at the earliest convenient period after they have been respectively named, and shall, before proceeding to any business, make and subscribe a solemn declaration that they will impartially and carefully examine and decide the matters referred to them to the best of their judgment, and according to justice and equity; and such declaration shall be entered on the record of their proceedings.

"Each of the high contracting parties shall also name one person to attend the commission as its agent, to represent it generally in all matters connected with the commission."

The period of three months specified in the article above quoted having elapsed, it has become necessary to take steps for the appointment of the third commissioner in accordance with its provisions, and with this view I have received the instructions of my government to request you to invite His Imperial and Royal Majesty to be graciously pleased to instruct his ambassador at London to undertake the duty of selecting some gentleman properly qualified to act in the capacity of third commissioner.

In consideration of the fact that the proceedings at the Halifax commission will be conducted in the English language, and that any evidence, documents, or oral testimony will be also in English, it appears to my government to be a necessary qualification that the third commissioner should possess an accurate knowledge of that language.

The commissioner appointed by the President of the United States is the Hon. Ensign H. Kellogg, and the commissioner appointed by Her Britannic Majesty is Sir Alexander T. Galt, K. C. B., &c.

The arrangements for the constitution of the commission being otherwise complete, I have the honor to suggest that it would be desirable that the third commissioner should be named by the representative at London of His Imperial and Royal Majesty as soon as may be convenient.

I have, further, the honor to inform you that my British colleague has received instructions to act conjointly with me in making this request, and he will address you a note in similar terms to that which I have now the honor to present.

I have, &c.,

J. F. DELAPLAINE.

[Inclosure 2 in No. 41.—Translation.]

*Count Andrassy to Mr. Delaplaine.*

VIENNA, February 28, 1877.

The undersigned, minister of the imperial house and for foreign affairs, has had the honor to receive the esteemed note of the 26th instant, in which the chargé d'affaires of the United States of America, Mr. Delaplaine, was pleased, under the instructions of his government, to express the request that the imperial and royal ambassador in London of His Majesty the Emperor and King should be authorized, in the sense of Article XXIII of the treaty concluded at Washington on the 8th of May, 1871, between Great Britain and the United States of America, to indicate the third commissioner for the negotiation of the differences pending between these two states in the fisheries question.

In response to this note, the undersigned begs respectfully to inform the chargé d'affaires that he has represented the matter to His Majesty, and after having obtained His Majesty's authorization, he has invited the imperial and royal ambassador in London to undertake the nomination of the third commissioner, in accordance with the enactment of the said article.

At the same time Count Beust has been requested to communicate forthwith the selection made by him to the foreign office in London, and to the representative of the Government of the United States at that place.

The undersigned avails himself of this occasion to renew to the chargé d'affaires the assurance of his distinguished consideration.

ANDRÁSSY.

No. 26.

*Mr. Beale to Mr. Evarts.*

No. 51.]

LEGATION OF THE UNITED STATES,  
*Vienna, April 9, 1877. (Received April 23.)*

SIR: As there has been a considerable discussion as to the relative strength and efficiency of the Turkish and Russian armies, I send you an opinion from an American of intelligence on that subject. My informant has had an active experience in the field during our civil war, and is, therefore, entitled to credit, and the more so in this instance as he was an eye-witness to the late operations in Servia. In a letter lately received from him, he says, in reply to an inquiry of mine :

The Turks have not got 200,000 men on the Danube line. They have probably that number of regulars and irregulars on the Balkan line and Danube, and scattered in the intervening country, but the regulars are badly officered. They are splendid privates, and have good rifles and ammunition, but the quartermaster and medical, as well as commissary departments, are wretchedly organized. The irregulars are good enough scouts, but are not worth much as fighters.

I believe the Turks have about 150,000 regulars like those above mentioned, brave, patient fellows. This force of regulars is scattered over the empire. Then they have two or three hundred thousand irregulars, varying in utility from half-drilled reserves to the entirely worthless Bashi-Bazouks.

\* \* \* \* \*

I have, &c.,

E. F. BEALE.

No. 27.

*Mr. Delaplaine to Mr. Evarts.*

No. 57.]

LEGATION OF THE UNITED STATES,  
*Vienna, April 26, 1877. (Received May 14.)*

SIR: The lower house of the Reichsrath has resumed the parliamentary labors which have been interrupted for the past month. On the official order of the day were inscribed subjects of grave importance to the empire, namely, the revision of the compromise with Hungary, the renewal of the customs and commercial union, and especially the bank question, encumbered with the long debated and contested proposals and concessions in the ministerial conferences, charged with the solution of the differences between the two cabinets. The same subjects are now submitted also to the Hungarian Diet for deliberation.

Owing to the varied divergences in opinion, and the especial difficulty of the question, the appointed season for the introduction of the compromise plans has been repeatedly adjourned. Now the period has, however, arrived when the legislative representative bodies of both halves of the empire are imperatively called to decide upon a complexity of important laws, and that, too, at a moment when the sanguinary conflict on its eastern frontiers is imminent, if not already begun.

As yet the empire has not assumed any hostile attitude, or at least is not known to have engaged itself to any pronounced policy; still events may occur that shall demand decisive action, and may involve it in the contest in behalf of its commercial interests.

These cannot fail to be prejudicially affected by the war, inasmuch as the Orient forms the chief outlet for the export of its manufactures. It is felt that at such a time no delay should take place in placing the

political and economical relations between Cis- and Transleithania on a firm, durable, and satisfactory basis, and especially as, through the compromise, an improvement of the financial situation of Hungary is fully anticipated.

In the Austrian lower chamber, the following draughts of laws in reference to the Austro-Hungarian compromise were submitted by the minister of finance :

A. Plan in regard to the debt of eighty millions of florins contracted by the state with the National Bank of Austria.

B. Plan relative to the creation of an Austro-Hungarian banking institution, with the following annexed stipulations: 1. Proposed statutes; 2. Regulations relative to the division of hypothecated credit; 3. Plan of arrangement between the Austrian and Hungarian ministers of finance on the one side, and the National Bank of Austria on the other.

C. Draught of law relative to the taxation on spirits.

D. Draught of law relative to the imposts to be laid on the manufacture of beet-sugar.

The minister of commerce offered two draughts of law asking that the ministry be authorized to come to an agreement with the Hungarian cabinet touching the conclusion of a customs and commercial union, and to effect, moreover, an understanding relative to putting into execution the dispositions of Article XX of the customs and commercial union now existing.

Dr. Giskra, in his own name and in that of forty one of his colleagues, addressed to the government the following interpellation relative to the Oriental question: "Since the 29th October, 1876, being the date of the response made by the government to an interpellation in respect to the Oriental crisis, matters have taken such a turn as no longer to permit a doubt of the outbreak of a Turco-Russian war. The opening of hostilities, in regard to the treaty signed at Paris in 1856, and to the numerous and vital interests of the Austro-Hungarian monarchy in the matter, has the highest importance. The course of the hostilities and the issue of the war may originate a vital question. The attitude which the government will assume possesses an incalculable importance. The representatives of the chamber are therefore justified in demanding, in this respect, the most precise explanations possible. The following inquiries are therefore addressed: 'Is the government prepared to furnish information as to the line of conduct which the monarchy will follow after the outbreak of the war and during the course of hostilities? If affirmatively, then what are the intentions of the common ministry, and what measures does it propose to put in action in order to effect the accomplishment of the same?'"

In the Hungarian Diet, the minister, Tisza, in presenting the draughts of law relative to the compromise, in a brief speech declared that all the propositions would constitute an incontestable and evident improvement over the anterior situation. He terminated by declaring that the rights of the country and its integrity were paramount to every other consideration.

Subsequently, in the chamber, the oriental policy of Austria-Hungary came upon the tapis, and was the subject of an interpellation of Mr. Ernst Simonyi, a member of the opposition. He remarked that up to the present time, the maintenance of peace had been declared to be the aim of the foreign policy of the country, but that the object pursued had not been attained; for which reason he had prepared the three following inquiries: 1. "Is the government disposed to inform the chamber, so far as that can be done without detriment to the public interests, of the

policy which the common ministry for foreign affairs proposes to pursue so far as concerns the Oriental question?" 2. "Does the Hungarian Government share in this respect fully the views of the common ministry?" 3. "What is the aim pursued by the common ministry for foreign affairs in the Oriental question, and what are the measures which it intends to employ in order to attain this aim?"

Neither to this interpellation, nor to the coincident one in the Austrian Reichsrath, before referred to, has any response been yet given by the respective ministries, but the same is impatiently awaited.

The comments of the Hungarian press upon the draughts of laws relative to the compromise have the character rather of summary reviews than of criticisms.

The organs of the government party exhort the members to a careful and attentive examination of the proposed terms, and represent the compromise as an unavoidable necessity, to which Hungary, in view of the present threatening situation, must submit, while they indulge the hope, if not the conviction, as to the favorable result. The opposition journals, on the other hand, simply reiterate the objections and recriminations previously advanced by them and successfully rebutted.

I have, &c.,

J. F. DELAPLAINE.

No. 28.

*Mr. Delaplaine to Mr. Evarts.*

No. 62.]

LEGATION OF THE UNITED STATES,  
Vienna, May 4, 1877. (Received May 23.)

SIR: In my dispatch No. 61, of yesterday, I transmitted, with some observations, the response, delivered in the forenoon, of the Cisleithanian ministry to the interpellation in the lower house of the Reichsrath with regard to the intended policy of Austria Hungary in the East.

In the Hungarian Diet at Pesth, almost simultaneously, an answer was delivered by the minister-president, Tisza, to certain interpellations of members upon the same subject. The text of his discourse reached Vienna this morning, and is nearly identical in argument and sentiment; yet, while somewhat more diffuse, although slightly varying in words, I deem it advisable also to submit it to your perusal, as exhibiting clearly the plans and views of the present leader of the foreign policy of the empire, and affording an explanation of the same. Minister-President Tisza spoke as follows:

HONORABLE HOUSE: In the interpellations recently addressed to me there are three which relate to the disturbances in the East, and of these, that of the member Somssich especially extends to the question of the Danube navigation. In the first place, I must remark that I do not intend to include the latter question in my present explanation. Further, I beg you to allow, as this in similar cases has happened before, that I respond to this interpellation collectively, whereby, naturally, the right of the interpellators to express their meaning would now be as little diminished as hitherto. I believe that I may do so, the more because, as in times like the present, it is not otherwise possible the member Ernst Simonyi demanded the answer to his questions only so far as it was possible at this moment without prejudice to the public interests. In a similar manner, the member Chorin said in his speech that he also knew that there were times when governments could not so freely express themselves on certain questions as individual members.

Also my very esteemed friend, Paul Somssich, touched this idea in his speech. After I preface this, I would beg to deliver an explanation, which, as much as it is possible to-day, declares the foreign policy of the Austro-Hungarian monarchy.

I would add to what I have said still further, inasmuch as this was asked, that the

Hungarian Government is fully agreed with the direction taken in the conduct of foreign affairs. The attitude of the Austro-Hungarian monarchy is, since the outbreak of the Russo-Turkish war, in accordance with that which, from the beginning, it has observed in relation to the Oriental disturbances. Its efforts for practical improvement of the condition of the eastern Christian peoples are well known and universally appreciated. At the same time the efforts of the government were directed so that peace should be preserved, or when that should not be possible, then that the war should be localized. Now, inasmuch as it was not possible to prevent the outbreak of the Russo-Turkish war, the foreign office has in view two tasks, namely, to do everything in order that the consequence of the war might not be a European complication, and that in respect to the effects of the war upon the position of Oriental affairs, such influence under all circumstances should prevail which was demanded by the position and the interests of the monarchy.

For the preservation of these interests, the government after declaration of the neutrality of the Austro-Hungarian monarchy will maintain freedom of action. Until now, the government had succeeded in duly following events, without military measures having become indispensable, and it maintains also, now, the firm opinion that the national treasury should not be burdened by an unnecessary mobilization, and sees, also, now no occasion for military measures. Still no power has nearer interests to guard than the Austro-Hungarian monarchy. It is fully conscious of its responsibility, but looks with confidence upon events to occur.

It derives its confidence from the decidedly friendly relations in which the nation stands to other powers; it derives it further from the frankness with which, in every quarter, the objects and aims in the Oriental policy of the Austro-Hungarian monarchy have been declared; it derives it, finally, from the conviction that His Majesty, wherever the preservation of the interests of the Austro-Hungarian monarchy is in question, can, under all circumstances, count unconditionally upon the devoted support of all his people, and upon the patriotism of the legislatures and provinces. In consequence of this confidence, and of the consciousness of strength produced by the successfully developed forces of the army, resulting from the foresight of the legislatures, the foreign office finds itself to-day in the position to feel assured of the requisite dependence upon the vote of the monarchy, even without military measures.

That is, honorable house, the answer I can at present make. I will not extend beyond the individual questions, since, as I before remarked, the interpellants themselves, partly in their interpellations, partly in their speeches, have stated that it is scarcely possible. Therefore I hope that the honorable house will the more accept my explanations, because it will assuredly perceive that the governments know of what deep interest to the monarchy the question is; that the requisite steps from the standpoint of these interests should be constantly and attentively observed, and that for the guarding of these interests full freedom of action should be preserved. I beg that my explanation may be accepted. [Applause.]

While in the dual organization of Austria-Hungary, the two legislatures have only an indirect control over foreign affairs; the direct control belonging to the delegations or committee annually selected by the respective legislatures, who are empowered to settle the annual budgets of the empire. When the delegations are not assembled, this indirect control of the two legislatures is exercised through the respective ministers of Austria and Hungary, who are in constant communication with the premier minister of the empire for foreign affairs, and thereby are cognizant of his policy and plans.

I am of the opinion that these official communications of their respective governments before the two assembled representative bodies of both halves of the empire, as to the aims and results of the intended foreign policy in the present crisis, afford a satisfactory evidence of the patriotic and constitutional spirit prevailing in both moieties, and the explanations rendered and submitted to the deliberation and decisions of their representative bodies will obtain strength and influence after their approval shall be assured.

It is clearly to be perceived from the tenor of both responses thus made in the name of the common ministry of the empire, that the continuance of peace, and the uninterrupted maintenance of order and law universally, even before the outbreak of the war, had been the constant endeavor. It would appear that now the neutrality of Austria-Hungary might be considered as proclaimed, and that she would continue a

passive although attentive spectator; but the duration of such attitude is not determined; feeling herself strong and prepared, she will not commence any costly warlike measures, but will await the march of events, and avail herself of her present freedom of decision, while she solemnly declares that she is now bound by no engagement and guided by no motive other than her own interests. The fact that these individual interests coalesce with the general interests of Europe constitutes the principal strength of the position of Austria-Hungary.

It is further deserving of attention that the neutrality of the monarchy is not stated to be absolute and unconditional, while, however, prudence is exhibited in not defining its limits, but leaving such to possible exigencies of the future. Hereby, moreover, any precipitation or indecision in the policy to be followed will be avoided, and Count Andrassy, by this cautious yet vigilant course, will not commit the unfortunate blunder of Count Buol in 1854, who concentrated large masses of troops in Galicia and Transylvania, as well as in a military occupation of the Danubian principalities, subjecting thereby the national treasury to a useless waste of several hundred millions of florins, expended mostly in coin, and outside of the empire, as well as incurring thereby the charge of ingratitude of her former ally, and the violent anger of Russia, to appease which more than twenty years scarcely sufficed. Hereby, moreover, the cordial understanding between the two cabinets of Berlin and Vienna now existing promises to be lasting, while it affords ground to believe that owing to the frank, loyal, and energetic policy of Count Andrassy, no territorial change in the Balkan peninsula will take place, contrary to the will and without the concurrence of Austria-Hungary.

The official declarations of the respective ministries, moreover, effectively dispel the current rumor abroad, too generally credited, relative to an agreement between Russia and Austria-Hungary, and therefore they have afforded general satisfaction. That the responses will meet approval in both Parliaments seems certain, inasmuch as in the Austrian Reichsrath acclamation followed its delivery, and not a voice proposed debate; while in the Hungarian Diet the interpellants suggested one, but the members, in great majority, declined to entertain it.

It may be proper, in conclusion, to advise you of a recent act of the Turkish Government, which, however graceful and appropriate in itself, has been considered to be of no small political advantage. I refer to the restitution to the University of Pesth of the so-called "Corvina," being part of a valuable library which, at the time of the expulsion of the Turks from Hungary, was removed to Constantinople.

Although this was not transferred directly to Pesth, but delivered through the Ottoman ambassador at Vienna, still its reception at its destination was the occasion for a manifestation of much sympathy by the Hungarians for Turkey, and more especially was the visit to Pesth of a committee of Softas from Constantinople, accompanied by ovations and an interchange of expressions of warm mutual feelings.

While admitting the political influence of the event at the present time, I am of the opinion that it may be more correctly regarded as characteristic of the generous, susceptible, and ardent character of the Hungarian people.

I have, &c.,

J. F. DELAPLAINE.



*Mr. Delaplaine to Mr. Evarts.*

No. 63.]

LEGATION OF THE UNITED STATES,  
*Vienna, May 10, 1877.* (Received May 28.)

SIR: In my dispatch No. 62, of the 5th instant, I had the honor to communicate to you in extenso the speech of Minister-President Tisza, in the Hungarian Diet, in response to the interpellation of the member Somssich. He omitted on that occasion to reply to the inquiry relative to the navigation of the Danube, which is now interrupted by the war, and greatly to the detriment of the commercial interests of Austria, and more especially Hungary. Yesterday, however, the minister-president delivered a supplementary address solely upon that theme, which I deem proper to present to you, as a requisite completion of his explanations.

His discourse was as follows:

In the first place, I must briefly mention what the situation of the Danube is when viewed from the point of international treaties, because naturally it is only upon the basis of the same that judgment can be formed upon the measures already pursued and in future to be pursued.

I consider this so much the more necessary, because the matter has been on various sides so apprehended as if the Danube itself and the circuit of the same had been in the international treaties declared as neutral, which is absolutely not the fact.

It was indeed in the closing protocol of the Vienna congress of 1815 for the first time declared that free navigation should prevail upon such rivers whose banks should form the boundaries of several states. This principle was in 1856 applied to the Danube.

In the year 1871, however, it was in the London protocol declared that the buildings and settlements constructed by the international Danube commission, as well as the persons called to the technical and administrative manipulation, should be regarded as neutral; yet the neutralization of the Danube stream was never and nowhere declared, but the principle declared in the year 1815 was so applied that upon those rivers, which touch the boundary of several states navigation should be free from their sources to the sea.

Since matters so stand from the standpoint of international law, a neutral power cannot be called upon to intermeddle for one or the other or against both belligerent powers in those dispositions which belong to war measures allowed by international law.

Inasmuch as the belligerent states are bound to respect the international guaranteed rights of neutral powers and their subjects, so has also no single neutral power the right to intermeddle with such acts of the belligerent powers as by international law are allowed in case of war.

But while I declare this, I must at the same time declare that not only the Hungarian Government, but also the common ministry for foreign affairs, on one side, fully comprehends and feels what great and important interests of the monarchy are connected with the free navigation of the Danube, while, on the other side, it comprehends and feels also its right and the duty resting upon it with regard to the conservation of free navigation of the Danube, imposed not only by the interests of the state, but also by its position as one of the guaranteeing powers, and therefore the government has viewed it as its task to work in such a manner that the interruption of free navigation, in consequence of the war, may not extend, either in circuit or in time, further than circumstances may render absolutely necessary.

The government views further as its task, to obtain guarantees so that as soon as this absolute necessity ceases all hinderances to the free navigation of the Danube may be removed. It views it further as its task, to work so that nothing may happen which can prejudice the free navigation of the Danube in the future, and whereby, after the cessation of the causes already stated, the free navigation of the Danube can be rendered either doubtful or imperiled, or narrowed more than in accordance with treaties. In this respect, even before the offering of the interpellation, a demand on the part of the common ministry for foreign affairs was addressed to St. Petersburg and Constantinople, and that ministry believes itself justified in hoping that it will receive from both sides a fully tranquillizing response in the matter.

What the government will do later—the close of the inquiry touches also this point—to that naturally no answer can now be given.

The government can only indicate how far it is conscious of its duty. It can in li-

cate what it has done ; what it will further do will depend upon the further development of matters, and especially upon the result of the reclamation which has been raised. I beg that this answer may be accepted.

The *Tagblatt*, a Vienna journal of radical character, and professing notoriously Turcophile opinions, in an article entitled "The Danube between two fires," maintains that it is indispensable that the Danube should become an Austrian stream. The following remarks are therein included :

The national sentiment in Hungary demands war in favor of Turkey. A war for the freedom of the Danube would have a very different meaning, a practical meaning, would possess a really political aim, and express an idea truly Austrian. We can comprehend that Austria remains neutral during the present conflict, but it is impossible that she should remain also neutral at the conclusion of peace, and that solely on account of the Danube. It is an Austrian river, and should be recognized as such. In order to attain this aim there exists but a single measure, and that is, the annexion of the banks of the Danube, that thereby the monarchy, once for all, may be protected against events such as those of which the lower course of the river has become the theater. Roumania is not a bulwark sufficiently strong to maintain the freedom of the Danube as we desire it. The existence of Roumania is not compromised by the war; it will be by the treaty of peace only. Austria should not tolerate in future a state of affairs which might arrest from one moment to another the circulation upon the river. Neither under the protectorate of Turkey, nor under that of Russia, nor as a *soi-disant* independent state, can Roumania offer to us a guarantee against the return of events which to-day paralyze our commerce and our industry, and imperil even the force of the monarchy.

It is absolutely necessary that all this should be changed; that the Lower Danube should present a picture wholly different from that exhibited to-day, and that, in one word, it should become an Austrian river.

I would remark, in conclusion, that the Vienna press generally acquiesces in the opinions expressed by Minister-President Tisza, in the Hungarian Diet.

I have, &c.,

J. F. DELAPLAINE.

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No. 30.

*Mr. Delaplane to Mr. Evarts.*

No. 64.]

LEGATION OF THE UNITED STATES,  
Vienna, May 12, 1877. (Received May 31.)

SIR: The Official Gazette to-day publishes an ordinance emanating from the ministers of the interior, of justice, and of commerce, bearing date of yesterday. This document prescribes the line of conduct to be pursued by the authorities and subjects of the monarchy during the Russo-Turkish conflict, so far as regards commerce and navigation.

I append the original, accompanied by a translation.

The Hungarian official journal publishes an identical declaration.

I have, &c.,

J. F. DELAPLAINE.

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[Inclosure.—Translation.]

*Ordinance of the ministers of the interior, of justice, and of commerce, of the 11th May, 1877, whereby the principles relative to commerce and navigation, to be observed by the authorities and the subjects of the monarchy during the war which has broken out between Russia and Turkey, are proclaimed.*

By reason of the war now broken out between Russia and Turkey, the following ordinances, in pursuance of a ministerial decision made with the concurrence of the imperial-royal ministry for foreign affairs and the royal Hungarian ministry, are here-

with made known, to which as well all the authorities as the subjects of the empire are to conform:

ARTICLE 1. It is forbidden to transport, upon vessels carrying the Austro-Hungarian flag, troops of the belligerent states, or to furnish to those states such materials as, according to the general law of nations or by special and duly proclaimed decrees of the respective foreign governments, are considered as contraband of war.

Any Austrian or Hungarian ship, in communication with those states, may carry on board only the quantity of such materials as may be indispensably necessary for its own use or for its defense.

It is forbidden to Austrian or Hungarian vessels to enter such places and harbors as may be besieged or effectually blockaded by one of the belligerent powers.

In case of a transgression of the foregoing prohibitions no protection from the government is to be expected by those whose property may be rightfully embargoed or captured by the belligerent states.

ARTICLE 2. With the exception of the case declared, the Austrian or Hungarian vessels of commerce are free to continue, notwithstanding the existing state of war, their commerce and traffic with the maritime ports of the powers engaged in war, and, reciprocally, the commercial vessels of the belligerent states, as before, may without obstruction enter all ports of this monarchy, and remain there at will, undergo repairs, &c., so far as they observe the existing laws and ordinances and their acts shall be in accordance with the rules of neutrality.

With regard to the entry of foreign vessels of war into Austro-Hungarian ports, the ordinances upon the subject proclaimed on former occasions will remain in force.

ARTICLE 3. In the reasonable expectation that neutral commerce will be duly respected by the belligerent powers, and that the usual measures employed by belligerents will be exercised only in conformity with the modes established by universal international law or contained in special treaties, it is hereby enjoined to Austrian or Hungarian commercial vessels on the open sea not to resist any visit claimed by war-vessels of the belligerent powers, but, on the contrary, without hesitation, to exhibit the papers and documents proving the neutral character of the vessel, and not to cast into the sea or otherwise destroy such papers and documents, and still less to have on board any which may be false, or in duplicate, or secret.

ARTICLE 4. Should it happen, notwithstanding the observation of the foregoing prescriptions, that an Austrian or Hungarian vessel be treated in an unlawful manner, then a complaint is to be presented without delay to the nearest Austro-Hungarian consular or other competent authority, in order that the government may take the requisite steps toward the foreign state, for the purpose of obtaining indemnification and satisfaction, and for supporting such steps as have been already taken by such national vessels as have been unlawfully treated.

ARTICLE 5. These provisions are to enter into operation from the day of this proclamation.

VIENNA, *May 11, 1877.*

AUERSPERG, M. P.  
LASSER, M. P.  
GLASSER, M. P.  
CHLUMECKY, M. P.

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No. 31.

*Mr. Delaplaine to Mr. Evarts.*

No. 67.]

LEGATION OF THE UNITED STATES,  
*Vienna, May 19, 1877. (Received June 7.)*

SIR: That a widely extended sympathy with the cause of Turkey in the existing conflict prevails in the kingdom of Hungary, not only among certain classes of the population and in a part of the press, but with peculiar intensity in a minority of the members of the Diet, seems evidenced by the constant interpellations relative to the Oriental question, as well as in the forcible expressions employed, and in the sensitive and passionate demonstrations of feeling. This sympathy may arise partly from a remembrance of the Russian effective agency in the suppression of the Hungarian insurrection of 1849, and in a jealousy of the possible preponderance of the Slav element, not only within the realm, but on its immediate borders; yet more especially from a conviction of

the present detriment to the commerce of the country through the interruption of the navigation of the Danube, and an apprehension of its possible continuance.

This unfriendly spirit, however, could not be permitted to proceed to acts of hostility without producing incalculable evils to the empire; and I am of the opinion that the sagacious and prudent course hitherto pursued by the present leader of the foreign policy, will repress any ill-advised or premature rupture with either of the contending powers. The prevailing belief entertained here is that the war between Russia and Turkey will not only be obstinate, but also of long duration. There exist certainly weighty reasons for holding such an opinion. Still, on the other hand, there are facts which must be considered in favor of a contrary view.

The present contest is very different from the last between Germany and France. At present both the contending powers possess very reduced financial resources, as well as very impaired credit. The theater of operations, both in Europe and Asia, moreover, is a territory sparsely populated, deficient in roads and means of communication, and incapable of affording support to large armies, especially for an extended period of time, whereby the supplies must be exclusively drawn from home, and that source on both sides at a great distance removed from the scene of conflict. Whichever army may prove victorious, it cannot be maintained in the enemy's territory at the expense of the enemy, and every advance increases the cost and difficulty of its maintenance.

Accordingly it would seem unlikely that the present war, notwithstanding the alleged bravery, fanaticism, and endurance of the soldiers on both sides, may long continue; only the entry of a third power into the conflict could change the present situation and probable results. As the policy of free action declared by Austria-Hungary would allow a variance in the strict neutrality hitherto announced, accordingly as events might influence a change of attitude, it becomes necessary to attentively follow all official communications bearing upon the subject. The most recent interpellations in the Hungarian Diet, as before alluded to, emanating from the extreme left, were addressed to the minister-president. The member Iranyi inquired if the Hungarian Government had adhered to the memorandum of Berlin, to the resolutions of the conference at Constantinople, and to the protocol of London; and, if in the affirmative, how it would act in order to conciliate its attitude with the terms of the treaty of Paris and with the interests of Hungary. The member Helfy interpellated the government in the following terms:

Inasmuch as the minister-president has declared that the monarchy had employed all its efforts for the maintenance of peace, and that now it used all its influence for effecting a localization of the war, the efforts for attaining this double aim having been rendered futile by the action of Russia, considering that through the events in Roumania the war has assumed a further extension and has approached the frontier of Hungary, I desire to address the minister-president this question: Does he not believe that under such circumstances the moment has arrived for taking a firm and defined position, and does he in particular not intend to use all his influence with the minister for foreign affairs, in order to enforce, in concert with the other powers, the maintenance and observance of the treaty of Paris?

Mr. Tisza immediately replied:

The point in the treaty of Paris cited by the honorable member in reference to the Oriental question and to Roumania was not inserted for the interest of Austria-Hungary, and the member will not find in the treaty that any one power has engaged to interfere in case any other should interfere. The powers have the right certainly, but only in case of aggression, and this case is not presented now; for it is not as aggressors, as we well know, but in pursuance of a previous agreement that the Russians have entered this country. Roumania is not neutralized by the treaty of Paris, Austria-

Hungary has no reason to regret it, and we should hesitate even to accept in future a condition of this kind. I have already said that Austria-Hungary would not suffer the creation of a new state of things at the frontiers which might become a source of danger to her, and the government would adopt, in order to prevent such an eventuality, all such measures as the situation might demand.

This is all that I can to-day say upon this subject. There exists between members of the Diet and the government a material difference with regard to responsibility. A member may express his wishes, and exhibit at will the most flattering ideas, while the government, on the other hand, is held accountable for every word uttered. It is obliged sometimes to keep silence, even when it sees the measures pursued by it with the most honest intentions, qualified, now on one side, then on the other, with epithets of treason to the country. Now, a similar expression should not be employed, excepting under full consciousness and conviction; precisely because such an epithet should not be used in reference even to an error inadvertently but honestly committed, therefore it should not be hastily and prematurely used. [Approbation.] We follow with attention the current of public opinion and the development of events, and we shall have recourse to such measures as circumstances may require; but when a government, which has assumed all the responsibility, is so careful of the blood and treasure of the nation, that government does not deserve a reprimand, and it is not precisely such a government which deserves that, when the occasion arrives, the nation, on its part, also should not waste its blood and treasure. [Enthusiastic applause.]

The member has said that if the government asks not for instructions but a dictatorship, it would do better simply to send home the members of the Diet. Mark what takes place in England. Do not the results of the last debate signify that the hands of the government are left free? [Cries of "very true."] The foreign policy cannot be directed by means of parliamentary instructions, and there is but one course to be pursued. If the representative body has not confidence in the government, the vote in its favor should be left in the minority, and that confidence should be accorded to another government. [Commotion.] Such is constitutional usage. I know that it would be a meager consolation to Hungary if history should one day say, "It was the Tisza ministry which caused Hungary's ruin!" Although I have the firm hope that we shall succeed, through our patriotic efforts, in preserving the country from every danger, still I wish, in order that the government may act freely during the recess, to induce the chamber to pronounce before separation upon the question of knowing if it has sufficient confidence in the government, in order to leave with it the direction of affairs."

The chamber accepted this answer by a large majority.

Both parliaments, Austrian and Hungarian, have voted a lengthened adjournment, to take place on the occasion of the Whitsuntide holidays.

The former have decided to occupy the interval before reassembling, in pursuance of an invitation of the city of Trieste, in a visit and examination of the new maritime constructions of that city, and afterwards also of the naval arsenal at Pola, returning by the new railway through the province of Istria, for the purpose of inspecting that work.

I have, &c.,

J. F. DELAPLAINE.

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No. 32.

*Mr. Delaplaine to Mr. Evarts.*

No. 77.]

LEGATION OF THE UNITED STATES,  
Vienna, June 28, 1877. (Received July 16.)

SIR: In the sitting of the Hungarian Diet on the 26th, the debate on the Oriental policy of the government was continued.

Count Albert Appony declared, amid the plaudits of the chamber, that he and his colleagues of the conservative party were in favor of a conservative policy in the Oriental question, and for the maintenance of Turkey, and that the best means for assuring protection to the interests of the country consisted in manifesting respect for treaties. Upon this

point, said the orator, the feelings of the nation are so unanimous that it would seem as if the government could scarcely lend itself to any policy opposed to the national sentiment.

Mr. Benjamin Kallay, a former consul-general of Austria-Hungary at Belgrade, endeavored to demonstrate that Panslavism, so far as it aimed at a union of all the Slave populations of Europe, did not actually have existence. The Slave population who were not Russians did not in the least admit that Russia had for its mission the regeneration of Europe. The struggle by Russia for the possession of Constantinople had lasted during many past generations, and although it may still meet interruptions, he believed that the result would yet be accomplished. He deprecated, however, the formation of new states at the frontiers, which might become a danger to the monarchy; yet he hoped that the struggle now engaged in might prove a final one. He insisted that reforms were indispensable in Turkey, but all attempts had been wrecked; while he regarded the nation as doomed to decay under the theocratical form of Islamism, which absorbed all lawful rights.

The orator, in terminating, expressed his approval of the policy hitherto followed by the government, and his conviction that no fear need be entertained, whatever turn events might assume.

The minister-president, Tisza, rose to speak, while silence and profound attention prevailed in the chamber. He declared that it was an erroneous assertion frequently advanced that the policy followed was in opposition to public opinion, which he explained, however, by the fact that the antagonists of that policy, by their constant association with each other, readily and *bonâ fide* held to and believed as the public opinion of the country that which was simply the sentiment of their political friends.

Further, if the government had listened to and followed the suggestions of certain members, at least six hundred thousand children of the country would have been withdrawn from their occupations and their families, and some hundreds of millions in fresh imports and charges would have laid upon the shoulders of the nation. And what would have been the object of such a course? To protect our interests? They have been already protected, without such sacrifices. He believed when the public opinion shall be enlightened and become aware of this, its verdict will be that the government has acted wisely.

It has been incessantly repeated that while the nation possesses a powerful and valiant army, it is unnecessary to follow a timid and reserved policy. To that he would reply that if the army is well equipped the merit of that does not belong to those who have constantly opposed the appropriations for that purpose. Besides, a powerful army does not present a reason for engaging in premature action, but, on the contrary, it affords us the ability to await tranquilly the march of events. That he would still add one observation to those who uttered praises of the army, and that was, that in this respect they were quite correct, but, on the other hand, that various expressions of distrust and suspicion against certain officers of the army were inappropriate, and should at least have been refrained from. He would not pretend that members of the army had not, like others, their sympathies and their antipathies; but what he would sustain was, that in the army reigned the sentiment of duty, and that it would accomplish this duty with enthusiasm and under all circumstances.

The Hungarian minister-president then referred to his preceding declarations. The policy of the monarchy has reserved for itself a full and entire freedom of action, and no power accuses it of entertaining

subversive tendencies. In relation to the presumed occupation and to the mobilization, nothing had been decided at the last ministerial council, where in fact the question had not been brought forward. He did not pretend that the counsellors of the crown did not occasionally, although not in that conference, discuss generally similar eventualities, inasmuch as the contrary would indicate on their part indifference or remissness.

However, he was able to assure the chamber that within circles having the prerogative of decision no person would venture to prescribe to the ministry for foreign affairs any change in the present relations of possession and force at the frontiers. He continued to remark that, after what had just been said, he believed that it was incumbent upon him to repeat once more, that neither as regarded mobilization nor with reference to the eventuality that, according as matters might develop themselves, the army might be called to cross the frontiers at some point, could he give any binding promise for the future, because such promise was indeed impracticable, inasmuch as by such promise the monarchy would be deprived, in certain eventualities, of availing itself of the most efficient means of defending its interests. That he would further repeat the assurance that the government was bound by no engagement on any side, and he added, that for more than a year past it had often been reproached because the only idea guiding its foreign policy was the protection of the interests of the Austro-Hungarian monarchy to the exclusion of all sympathies and all antipathies. He declared that the blood and treasure of the Austro-Hungarian people should be spared as far as practicable, and that no burdens should be laid upon them which could be avoided. Still he indulged the well-founded hope that when eventualities might demand, the collective populations of the monarchy would with enthusiasm and devotion respond to the call of their sovereign.

Under that conviction, he believed that they should calmly regard even the most threatening appearances, and he besought the members of the house to reflect that the constantly recurring mention of danger which did not exist indicated no manly courage. Besides, it was calculated to agitate the nerves of the people, which result might cause depression when the moment of action should arrive, and they would disbelieve the existence of danger when danger was staring them in the face.

The delivery of the speech was followed by loud plaudits of the chamber. Both the Austrian and Hungarian journals report that it has exercised a most assuring and encouraging influence. Even a telegraphic dispatch from the Emperor has been addressed to the minister-president in evidence of his satisfaction, in the following words :

MY DEAR TISZA: I cannot omit, and my love for my country urges me, to congratulate and to thank you for your patriotic speech.

A telegram from Count Andrassy followed in these words :

I congratulate you on your speech, which was so admirable that I am disposed to feel envious of you.

I have, &c.,

J. F. DELAPLAINE.

No. 33.

*Mr. Delaplaine to Mr. Evarts.*

No. 78.]

LEGATION OF THE UNITED STATES,  
Vienna, June 29, 1877. (Received July 19.)

SIR: On the 22d instant, in the lower house of the Austrian Reichsrath, the member Dr. Hoffer addressed to the government an interpellation with inquiries of the following tenor:

I. Is it true that the Government of the German Empire has proposed an offensive and defensive alliance with that of Austria-Hungary, through the conclusion of which possibly the outbreak of the Russo-Turkish war might have been prevented?

II. Has this offer been declined by Austria with the knowledge and concurrence of the Imperial-Royal Austro-Hungarian Government?

III. Does the Imperial-Royal Austro-Hungarian Government believe that the rejection of this proposal conforms with the interests of the monarchy, and what reasons has it for such belief?

IV. Does the Imperial-Royal Austro-Hungarian Government intend, since the late events in the theater of war in the East, and especially in Montenegro, to persevere in the observance of neutrality as hitherto, or is it disposed from this or any other cause to prepare military measures, or have such already been adopted?

In yesterday's sitting the minister-president, Prince Adolph Auersperg, responded to the first and second inquiries by the declaration that no proposal for such alliance, or of an analogous character, had been offered by the German Empire, and accordingly no rejection could follow.

With regard to the fourth inquiry, in which the recent rumors of mobilization are alluded to, the minister-president referred to the explanations given during the last month on the occasion of the interpellation of the member Dr. Giskra upon the same subject, which I then reported to the Department. The minister-president repeated the full contents of that response, and added the assurance that since that time the aims and plans of the foreign policy of the government continued the same, and that no reason existed for departing from neutrality or for mobilization of the military force of the monarchy. Should, however, added the minister-president, events occur which render advisable or necessary a re-enforcement of our troops on the frontier, this measure shall be put into effect without transgressing the limits of neutrality. The reply closed with a precise declaration that the course of events in the war up to the present time had not rendered necessary any special provisions, and that His Majesty accordingly had not been disposed to order any extraordinary military preparations.

The house accepted these explanations with satisfaction and applause, and there is little doubt of a favorable effect being produced also outside of the chamber of Parliament, in dispelling the anxiety and uneasiness recently prevailing among the public, especially in financial circles, by the rumors of mobilization which I have before communicated to you.

I believe that the information may prove interesting, being derived from an authentic source, that the troops stationed at the present moment at the frontier of the empire are composed altogether of sixteen regiments of infantry, nine battalions of chasseurs, and six regiments of cavalry, the whole on a peace footing.

Assuming such statement to be correct and undoubted, as I deem it, this inconsiderable exhibition of military force satisfactorily demonstrates the slight foundation for the alarming rumors referred to, and the reply of Prince Auersperg, as well as that of the Transleithanian



minister-president, Tisza, at Pesth, already communicated to you, will prevent the recurrence of similar sensational intelligence finding credence, besides removing occasion for future interpellations on the subject in the legislative bodies of both countries.

I have, &c.,

J. F. DELAPLAINE.

No. 34.

*Mr. Delaplaine to Mr. Evarts.*

No. 86.]

LEGATION OF THE UNITED STATES,  
Vienna, August 1, 1877. (Received August 20.)

SIR: A full council of the ministerial cabinet was yesterday held, at which His Majesty the Emperor presided. According to the information obtained as to the decisions adopted, it would appear that the imperial-royal minister for foreign affairs had presented a general exposé of the actual situation under the recent rapid march of events at the theater of conflict. He invited, therefore, the members of the council to pronounce as to whether the moment had come for Austria-Hungary to quit the passive attitude which she had heretofore observed, and to take such precautionary military measures as prudence might suggest. The response of the members was in affirmation of his views and recognized the necessity of opportune action.

Count Andrassy accordingly was vested with authority to order such military dispositions as he might consider demanded by any exigency which should arise relative to the defense and protection of the interests of the nation, without a further convocation of the council; but, nevertheless, after a previous submission of the intended measures to the approval of the Emperor.

The financial question involved herein with regard to the sources whence the requisite funds for covering the expenses of such measures should be derived, also the estimate of their probable amount, further entered into the deliberations of the council.

The amount required was estimated not to exceed twenty-five millions of florins, but no apprehension was expressed as to that sum being readily obtained from several sources indicated, independently of the reserve now in the national treasury; still no definitive selection was resolved upon as to that point, it not being of immediate urgency.

A résumé of the deliberations may be stated as follows: no general mobilization, but simply putting into execution due measures of precaution, and that four army divisions now in Dalmatia, Croatia, and Slavonia should meanwhile serve as re-enforcements to the troops now encamped on the frontier, and prepared for action, if events might require it.

As a fact not generally known, and moreover pertinent to the foregoing, I would refer to a recent article contained in the *Wehrzeitung*, an exclusively military journal, and devoted to the interests of the army, published in Vienna. Maintaining that the institution of maneuvers and periodical parades of soldiers on leave and those belonging to the reserve, an institution created in 1870, has materially contributed to facilitate the work of mobilization of the Austrian army, the journal remarks that—

while formerly the Austrian army required several weeks for putting the regiments on a war footing, we are at the present time in a condition, even in those dis-

tricts less favored with easy communication, to put, in eight days at the latest, our troops in a state for entering upon campaign service. That is, however, not all; for the army which we should place on foot in this short period would be not only imposing in respect to its efficiency, but would possess force and energy by reason of discipline, and those military qualities which distinguish our soldiers, whether forming part of the active army or of the reserve.

I have, &c.,

J. F. DELAPLAINE.

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No. 35.

*Mr. Delaplaine to Mr. Evarts.*

No. 91.]

LEGATION OF THE UNITED STATES,  
Vienna, August 16, 1877. (Received September 3.)

SIR: Referring to my No. 86, relative to the decisions of the previous ministerial council, I beg to communicate that the minister of finance for the empire, Baron Hofman, has effected, without difficulty, the arrangement for the temporary loan to cover the cost of the partial mobilization, which Count Andrassy was, in the exercise of his discretion, empowered to carry into effect. Some satisfaction is expressed that the loan has been wholly taken within the empire, although at a fractional advance over the proposals of some foreign bankers. Still, as collateral securities were given, its negotiation was effected upon less favorable terms than had been anticipated.

It is reported now that the intended provisional mobilization of four army divisions is deferred, and doubtless the recent double defeat of the Russians before Plevna will have convinced even the most clamorous advocates in Cisleithania for armed intervention that no pressing necessity existed. I would not include those of Hungary, for the reason that the recent meetings held throughout that kingdom, demanding active measures to repress the expansive policy of Russia, have inflamed to an exaggerated degree the spirits of the people. To a deputation from a meeting convoked at Pesth, the reply of the Hungarian minister-president, Tisza, expressed the opinion that European powers would find soon in the events of the war a favorable occasion for making efforts tending to a re-establishment of peace, while to the deputation from a meeting at Erlau he declared "that Austria-Hungary would only shed the blood of her subjects for her own interests, but never in aid of a foreign nation."

Meanwhile similar meetings have been held in Croatia, where sentiments of an opposite nature have been uttered, and resolutions in sympathy with Russia have been adopted. I feel convinced that the minister for foreign affairs will not allow his past policy to be influenced by any sympathies or antipathies which may find expression in the distinct provinces of the empire, but will pursue the dictates of his judgment, the soundness of which results seem to have fully justified and proved. Apart from this political difference between Hungary and Croatia, a subject of discord which has been for some time past dormant has recently been fomented into a grave dispute.

About five years ago, the institution called the Grenze, in the military frontier district between the Hungarian and Croatian territory and that of Turkey, was suppressed. This district, then wasted and uncultivated, had been given, after the final conclusion of peace in the last century between Austria and Turkey, to the soldiers who had served in the armies of the Emperor, for settlement, and various immunities and privileges were conferred upon the inhabitants, under the condition of military and revenue services to be performed by them; thus forming a

living bulwark against the Moslems, then regarded as hereditary enemies. After the suppression of the Grenze and the union of the district with the provinces of the Crown of St. Stephen, its population thereby passed from a military to a civil administration; consequently upon this followed the change and disbursement of the property of the Grenze, which consisted chiefly in vast primeval forests, which have since been in part sold. From this a special fund has been created, and it was resolved, with the concurrence of the population, to employ a large part of this fund in construction of railways in the district.

If the military district had been previously incorporated with Hungary and Croatia, then the question of the railways would have been considered in the Hungarian Diet and the Croatian legislative assembly. Such was, however, not the case. A provisional governor, now Lieutenant Field-Marshal Mollinary, administers the district, not only to the satisfaction of the population, but entirely to that of the crown. Lieutenant Field-Marshal Mollinary has prepared a draught as to the construction of the proposed railways, which has primarily in view the interests of the population, and has been approved by the provisional assembly of the district. Simultaneously, however, the Hungarian Diet has before it a draught of law relative to the railways, which provides for the Hungarian interests, and further designs to divert the Grenze fund into the independent administration of the Hungarian Government. Against this the voice of the district has been raised, and a remonstrance prepared, which the population intend to address to the Emperor.

The population of the district appear to be in the right, inasmuch as they maintain that their property should be employed for their individual benefit, while in a formal view of the case the Hungarians should be regarded as in the right, since the government and Diet are more competent to decide what shall be done in a portion of their territory, although not yet reduced into possession, than the population of the district, which has no constitutional representation. In a more tranquil period the question would doubtless be amicably arranged, as I believe will ultimately be effected; still, at the present moment, where the popular mind is excited by national passions, it may possibly give the signal to divisions and bitterness of feeling.

Apart from this, a complete calm exists in political circles. The hunting season having commenced, Count Andrassy left Vienna to-day with the intention of being absent about ten days at an estate in Styria, to which he has been invited.

The anniversary of the birthday of the Emperor will be celebrated on the 18th instant, which he will pass at Ischl, where many members of the imperial family are now assembled.

I have, &c.

J. F. DELAPLAINE.

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No. 36.

*Mr. Delaplaine to Mr. Evarts.*

\*No. 93.]

LEGATION OF THE UNITED STATES,  
Vienna, August 21, 1877. (Received September 5.)

SIR: I have seen an official report of the condition of the crops about the middle of August, and I herewith append a translation of the same.

Yesterday the international fair, for the exhibition and sale of cereals, was opened in the Rotunda, being the vast edifice in the Prater where

the universal exposition of 1873 was held. At the opening, the Chevalier de Chlumecky, imperial-royal minister of commerce, was accidentally prevented from appearing, but was to-day present.

The assembly of producers and grain-merchants was very numerous, those from other countries among the latter being estimated at over ten thousand. It is reported that the amount of transactions exceeded all anticipation. With reference to this, an article in the Wiener Presse has the following observations :

In every case the present year's crop as well as the cereal fair, as a reliable valuer of the same, may indicate a turning-point in the economical relations of the monarchy. The rich blessing of the harvest will introduce its enlivening operation even into the minutest channels of the economical organization, and the invigoration of the increasing number of the population of original producers, as well as the augmentation of traffic, cannot remain without an animating reaction upon other branches of production. In fact, all industrial branches already prepare for a lively season. How refreshing this is for the community, each member feels too deeply, and it seems superfluous to say it. For more than four years we languished under the ban of an unexampled crisis, and the weak hopes of improvement, wherever they seemed to bud, were always quickly strangled. In truth, it would be a beautiful proof of the proverbial good luck of Austria if in the midst of the war perplexities in a neighboring nation the accident of a rich harvest and of a fortunate position of the European market should accomplish that which a sorrowful reduction of expenses and laborious toil had not been able to accomplish. The lessons of the past years should certainly not remain without profit for the future. A conscientious self-estimate and earnest labor must further conduct the well-begun work of reconstruction, and form henceforward the inflexible basis of our economical existence. When the leader of our foreign politics shall then succeed in keeping Austria-Hungary, as hitherto, aloof from all military action, we may with confidence look forward to a more fortunate condition of our economical relations.

I have, &c.,

J. F. DELAPLAINE.

[Inclosure.—Translation.]

*Official report of the condition of the crops up to the middle of August.*

The crop of winter-wheat is already completed in all the grain districts, and although a large quantity of wheat has been beaten down in consequence of the repeated and in part heavy rains in July, this, as it chiefly took place shortly before the harvesting, did not do much material damage, and only in Galicia the quality of the grain suffered from the fact that the beaten-down wheat was frequently attacked with rust. Especially in Hungary is found a very superior quality, and there it has only exceptionally suffered through the rain. Moreover, this year's wheat is remarkable for its purity from the seed of weeds, and blight is very unusual.

The quantitative results of the harvest are reported as follows;

Very good in Hungary and Croatia, in Lower Austria, Carinthia, and Salzburg, and Gorizia. Good to very good in Bohemia, Moravia, as also in Styria; good in Silesia, Bukovina, in Upper Austria, Istria, and Dalmatia; middling good in Galicia, Tyrol, and Vorarlberg, Carinthia, and Transylvania.

The rye crop in the northern provinces has resulted well. With regard to its specific weight, the rye in the western half of the empire is, according to report, superior even to wheat. In Hungary, however, the quality of the rye is on the average not so satisfactory as that of the wheat.

The quantitative results of the crop are represented as follows :

A very good crop in Bohemia, Lower Austria, Salzburg, Styria, Carinthia; good in Hungary and Croatia, Moravia, Silesia, and Bukovina, in Upper Austria, Tyrol and Vorarlberg, the coast country, and Dalmatia; middling good in Galicia and Carinthia.

The barley has everywhere remained short in the straw; however, the ears are mostly so well developed, that in general a tolerably good crop is to be hoped. From unfavorable weather during the harvest, a considerable portion of the barley lost its fine color, but actual damage, through full growth, had occurred in rare instances.

The various degrees of the harvest may, according to the reports, be estimated on the average thus :

Good to very good in Carinthia and Gorizia; good in Styria and Istria; middling good in Hungary, Lower Austria, Vorarlberg, Tyrol, Carinthia, Dalmatia; middling

in Bohemia, Moravia, Silesia, Upper Austria, Bukovina; weak middling (almost bad) in Galicia.

The harvest of oats is now, with scarcely an exception, completed, and presents a good return.

Maize has made great progress during the present period. Having generally been favored by the weather it has attained a stately height and has everywhere produced ears. Its condition justifies, in the west provinces of the empire, the hope of a good crop, and in Hungary it has also materially improved.

Potatoes and beets, in the western half of the empire, are for the most part in excellent condition. In the eastern they suffer partially through drought; still, most gratifying intelligence has been received from that quarter. Potato-rot is observed, not only in Silesia and West Galicia, but also in some localities of Moravia, Lower Austria, and Gorizia.

Hops have just been plucked in Bohemia, but not yet in Galicia. By Postelberg good and abundant and perfect umbels are found, while in Wittingau the harvest is estimated at only one-half. Good crops are promised in Galicia, Upper and Lower Austria.

Wine has lately made satisfactory progress. In consequence of repeated rains various evils have occurred. Especially the grape fungus (*oidium*) has affected the vines, and has not only extended into Southern Tyrol, Istria, and Dalmatia, but also into Vorarlberg, Gorizia, and Croatia. Moreover, the "Brenner," which has prevailed for some past months in Southern Tyrol has planted itself in Gorizia. Further, in Dalmatia the "tortrix," and in Istria, the "black rot," has appeared; finally, the decay of single grapes occasionally shows itself.

In the last-named provinces the anticipated hopes of an abundant vintage may be somewhat diminished. In Lower Austria and Styria, however, the prospects of a good middling vintage are maintained, and in Hungary the grapes, where not overabundant, show a very good development.

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## BELGIUM.

No. 37.

*Mr. Merrill to Mr. Fish.*

No. 57.]

LEGATION OF THE UNITED STATES,  
Brussels, October 3, 1876. (Received October 17.)

SIR: I have the honor to inclose herewith an extract from the *Moniteur Belge*, (with translation of the same,) in reference to the geographical congress lately held in this city, the subject being the exploration of Central Africa.

I have, &c.,

A. P. MERRILL.

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[Inclosure.—Translation.]

[Extract from the *Moniteur Belge*.]

The deliberations of the geographical conference, which met at the palace of Brussels from the 12th to the 14th, are resumed in two papers, of which the following is the tenor:

### I.—DECLARATION OF THE CONFERENCE.

To attain the object of the international conference at Brussels, that is to say, to explore scientifically the unknown parts of Africa, to facilitate the opening of ways by which civilization may penetrate into the interior of the continent, and find the means of suppressing the slave-trade among the negroes of Africa, we must—

1st. Organize on a common international plan the exploration of the unknown parts of Africa, limiting the parts to be explored to the east and the west by the two oceans,

to the south, by the basin of the Zambese, and to the north by the frontier of the new Egyptian territory and independent Soudan. The best way to accomplish this exploration will be to employ a certain number of isolated travelers, commencing at divers bases of operations.

2d. To establish, as base of the explorations, a certain number of scientific and hospitable stations as well on the coast of Africa as in the interior of the continent. Of these stations some should be established in a very limited number on the east and west coasts of Africa where European civilization is already commenced, at Bagamoyo and Loanda for example, they could be founded at a small expense, for they could be confided to Europeans residing on the spot. The other stations should be established at the points of the interior which would best serve as the immediate basis of the explorations. These stations would have the character of entrepôts, destined to furnish to travelers the means of living and exploring. They could begin to make these last stations at the places that at present are considered the most favorable for the end in view. We would say, for instance, Udjji, Nyangwe, the residence of the king, or some point situated in the domains of Muata-Yanvo. The explorers could indicate later the spots at which it would be convenient to establish stations of the same kind.

Leaving to the future the care of establishing direct communication between the stations, the conference expresses the wish that, above all, a line should be established between one ocean and the other, following as near as possible the route pursued by Commander Cameron. The conference expresses equally the wish that afterwards there shall be established lines of operation in the direction of north-south.

The conference appeals now to the good-will and co-operation of all travelers who attempt scientific explorations in Africa, whether they travel or not under the auspices of the international commission instituted by these means.

## II.—RESOLUTIONS DECREED BY THE CONFERENCE.

1st. That there shall be constituted an international commission for the exploration and civilization of Central Africa; also national committees who will be in communication with the commission in order to centralize, as much as possible, the efforts made by their different nations, and to facilitate by their co-operation the execution of the resolutions made by the commission.

2d. That the national committee shall be constituted in the manner that appears to them preferable.

3d. That the commission shall be composed of the presidents of the principal geographical societies which were represented at the Brussels conference, or who will adhere to the programme, and of two members chosen by each national committee.

4th. That the president shall have the right to admit to the association the countries which were not represented at the conference.

5th. That the president shall have the right to complete the international commission by adding effective and honorary members.

6th. That the central commission, after having made its rules, shall have the power to direct by means of an executive committee the enterprises and works tending to attain the end of the association, and to manage the funds furnished by the different governments, by the national committees, and by private people.

7th. That the executive committee shall be constituted near the president, and composed of three or four members named beforehand by the actual conference and later by the international commission.

8th. That the members of the committee shall hold themselves ready to respond to the call of the president.

9th. That the president shall name a general secretary, who by the fact of his nomination shall become a member of the international commission and of the executive committee, and also a treasurer.

No. 38.

*Mr. Evarts to Mr. Delfosse.*

DEPARTMENT OF STATE,  
Washington, March 20, 1877.

SIR: Referring to the matter of the appointment of a third commissioner in conformity with Article XXIII of the Treaty of Washington, of the 8th May, 1871, concerning which my predecessor has heretofore communicated with you, I have now the honor to inform you that the

representative of the United States at London, in a dispatch bearing date March 6, has informed me that upon the 1st March a form of identical note, to be addressed to the Austrian ambassador in London, was agreed upon between himself and Lord Derby, requesting His Excellency Count Beust to proceed in accordance with the treaty to appoint the third commissioner, and that in accordance therewith his excellency has been pleased to name you as the third commissioner under the treaty.

Mr. Pierrepont also incloses a copy of a note addressed to him by Count Beust to this effect, bearing date March 2, of which I have the honor herewith to inclose you a copy for your information.

I have great pleasure in assuring you of the satisfaction with which this government has learned of your nomination in that capacity.

I have, &c.,

WM. M. EVARTS.

[Inclosure.]

Count Beust to Mr. Pierrepont, March 2, 1877. (See Mr. Pierrepont's dispatch of March 6, 1877, document No. 119.)

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No. 39.

*Mr. Delfosse to Mr. Evarts.*

LEGATION OF BELGIUM,  
*Washington, March 21, 1877. (Received March 21.)*

SIR: I have the honor to acknowledge the receipt of the note which you were pleased to address me, with inclosure, under date of yesterday, informing me that the ambassador of Austria-Hungary in England had designated me, according to the stipulation of Article XXIII of the treaty of Washington, of May 8, 1871, as the third commissioner in the commission appointed for the settlement of the questions connected with the fisheries. Thanking you for what you had the kindness to add, in relation to myself personally, in this communication,

I have, &c.,

MAURICE DELFOSSE.

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BRAZIL.

No. 40.

*Mr. Partridge to Mr. Fish.*

No. 345.]

LEGATION OF THE UNITED STATES,  
*Rio de Janeiro, August 31, 1876. (Received October 2.)*

SIR: In the complete absence of any occurrence here of anything having any political bearing, the journals are occupied again with the still recurring religious question, and the fear that this ministry may yield to reported demands of the Roman Curia in that matter.

The ultramontane party has been very quiet, and awaits the result of

the negotiations now said to be prepared and brought with him by Monsignor Roncetti, the new Papal internuncio, who has not yet been formally received by the regent.

The anti-ecclesiastical party, on the contrary, has been very active and even noisy. Inflammatory articles have appeared, and still appear, denouncing especially the minister of the interior, who is in these articles declared to be at variance with his colleagues. The Duke de Caxias, minister of war and president of the council, is appealed to not to surrender the sovereignty of Brazil, and the action of some of the South American republics, which have refused to submit to the exactions of Rome, is held up as an example for this empire. The Duke de Caxias is, or has been, a member of the Masonic fraternity, against which the move of the ultramontane party is now directed.

There are so many elements of discontent just now, in the depressed condition of trade, in the yearly deficits in receipts in the imperial treasury, as well as in each of the provinces, and in the wide-spread want of confidence in financial matters, that this ministry must exercise the greatest caution and forbearance in regard to many measures which it is said they expect to lay before the new Chambers.

I have, &c.,

JAMES R. PARTRIDGE.

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No. 41.

*Mr. Partridge to Mr. Fish.*

No. 346.]

LEGATION OF THE UNITED STATES,  
*Rio de Janeiro, September 29, 1876. (Received Oct. 30.)*

SIR: The situation and condition of political affairs here continue entirely unchanged.

It seems to be doubtful whether the elections ordered to take place under the new law on the 2d of October can be held, since there has been some omission or defect in making out the previous electoral lists in many places and especially in this city.

The list for Rio has been declared invalid by one of the courts, and it would seem that even in case the election (throughout the empire) is held the chief city must remain unrepresented.

In the mean time, there has been a great depression in the market price here of the government 6 per cent. bonds, going down to par from some 6 or 8 per cent. premium.

And it is certain that the imperial treasury is at this moment without the means of paying large amounts already due, and for improvements (railways) ordered to be constructed, the funds for which have been diverted to other payments. The receipts from customs have decreased, and in the northern provinces especially there is a very large reduction in receipts with an increase of expenditure, so that the financial condition is everything but satisfactory.

It is now said that there will be necessarily an additional issue of notes payable to bearer, and having interest-coupons at 5 per cent., and in sums as small as 100 milreis, so as to tempt the investment of small sums now hoarded throughout the empire.

I am, &c.,

JAMES R. PARTRIDGE.



No. 42.

*Mr. Partridge to Mr. Fish.*

No. 349.]

UNITED STATES LEGATION,  
*Rio de Janeiro, October 31, 1876. (Received Dec. 2.)*

SIR: There was an occurrence in this city the other day which has caused much stir among all classes, and, from what appears in the papers, has given cause for reflection to both the ultramontane and the ultraliberal parties.

This was nothing less than the throwing of (two or three) stones, in the church of Santa Rita, at the Bishop of Rio, as he ascended the pulpit there to preach.

The bishop had presence of mind, and as soon as the first stone was thrown, descended, and immediately went to the altar, upon which the congregation, in some confusion, departed.

So very unusual an outrage, in a country like this especially, was of course the theme of conversation everywhere, and of newspaper comment. By the ultramontanes it was declared to be a proof of the impious wickedness and designs of the radical and atheistical republicans. By the ultraliberals it was declared to be "a trick of the Jesuits," gotten up by them to bring discredit on the liberal cause. The police are still said to be investigating the matter; but the probability is that we shall never know the real truth.

Either party is capable of either committing or getting up the affair, which is another proof of the condition of this question and the temper and feeling on either side.

Beyond this all is quiet, and the situation of affairs is said to be satisfactory.

I am, &amp;c.,

JAMES R. PARTRIDGE.

No. 43.

*Mr. Partridge to Mr. Fish.*

No. 355.]

UNITED STATES LEGATION,  
*Rio de Janeiro, December 30, 1876. (Received Jan. 27, 1877.)*

SIR: The General Assembly having been called to meet on the 31st December, the newly-elected chamber of deputies, or, rather, the few in attendance, met in what is called "preparatory juntas" on the 13th instant, and appointed the three or four commissions to verify the powers of those elected. The election having been made (in September) under the new electoral law, it has been discovered that, in many places, the new electoral lists were not made out previously, in conformity with that law, and in some provinces, as in Rio de Janeiro, the lists were annulled or quashed by one of the tribunals or courts of law, so that from those provinces there will be no delegations.

The chamber of deputies has jurisdiction of the election of its members, but instead of there being always a presumption in favor of the regular election of those having the certificates (or diplomas) from the presidents of the respective provinces, it is held that each deputy must

verify his powers, *i. e.*, prove the regularity of his election, even when there is no contest as to his seat.

As this takes up a long time, (there having been already thirteen preparatory sessions,) it is at this moment doubtful whether there will be the regular opening, in due form, by the Princess Regent on to-morrow, (Sunday,) the 31st.

The new chamber is overwhelmingly—almost unanimously—in favor of the present ministry; and therefore there will be no difficulty, except from the usual and inevitable delay, in approving all that has been done, and in making the way easy for what is hereafter to be done, or omitted, or indefinitely postponed.

The question of revenue is not so easily disposed of. It seems certain that there is a large deficit to be provided for in some way; and the plan in use heretofore of carrying over imaginary or supposed balances and surplus will not answer now.

The revenue of Brazil has certainly greatly increased, doubled in fact, in twenty years; but the increased expenditure and the needless outlay for iron-clads and war material, idle and almost worthless in their arsenals, and the addition made to the pay of the army, navy, and all civil employés, have far outstripped the increase of income.

Nor is it easy to see how there can be increased revenue just now, without a recast and readjustment of the whole system of taxation and contribution. The present tariff on imports is so ill-adjusted that it acts as a prohibition on increased revenue. The export duty is so heavy, (13 per cent. and in some cases 15 per cent. *ad valorem*.) that it has already annihilated the sugar industry and has paralyzed the culture of cotton. And yet immense bodies of fertile land are unoccupied, and contribute nothing to the cost of government.

The tax or contribution is upon the yearly revenue or upon the produce of the land, and never (except for some minor municipal purposes) upon the land itself or value of the property. Hence large proprietors can afford to hold these large untaxed tracts; which, if they were subject to their fair share of the general expense, would have to be sold in small parcels, be improved, and so increase the general revenue. Fortunately, at this time there is no longer the old well-used talk of and preparation for war with the Argentines. The sums already raised for internal improvements (in 1872) having been spent on iron-clads and to meet previous deficits, the internal improvement system must probably languish for some time. Nothing whatever of interest occurs, and it is, probably, intended that nothing shall occur during the absence of the Emperor.

I am, &c.,

JAMES R. PARTRIDGE.

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No. 44.

*Mr. Partridge to Mr. Evarts.*

No. 365.]

UNITED STATES LEGATION,

*Rio de Janeiro, May 10, 1877.* (Received June 11.)

SIR: The ministry find it impossible to have the appropriation bills for 1877-'78 passed in time (June 30) through both chambers, and have now brought forward a motion (according to constant necessity for the

last years here) to authorize the collection of revenue and expenditure of moneys during six months, according to the items of the last appropriation act, now in force, and whose provisions expire on 1st July.

The present session began in January and must expire in September; so that during five months nothing has been done to provide the means of carrying on the government after June.

By the passage of this enabling resolution, the ministry will have previous authority for expenditures after June, and they hope to have the regular estimates allowed before adjournment in September.

On this motion an interesting debate has been going on, and the opposition (liberal) party has gladly found itself re-enforced by some dissidents who have hitherto never offered to vote against the ministry.

On the 4th instant one of the opposition leaders, Mr. Affonso Celso, attacked the present government for its continuance of unauthorized and extravagant expenditure, for its constant opening of new credits, (in imitation of the French,) and which in fact is nothing else than an appropriation by the ministers, and for the insufficient remedy proposed to meet the present deficit, namely, an increase of already too heavy duties on imports, without any proposed reduction of expense.

His assertions could not be contradicted, because they were based on the statements and figures of the minister of finance's report.

From those statements, during the period between 1840 and 1876, it is shown that, notwithstanding the constant increase in the yearly revenue and appropriations, the actual expenditure during each year has greatly exceeded both revenue and appropriation; that while estimates of receipts fell short of what was really collected, the various ministries had, in their expenditures, exceeded not only the sums voted by law, but the excess or surplus which otherwise at the end of that time would have thus accumulated a large surplus fund, but also had constantly incurred indebtedness beyond, by raising money in various ways to meet expenditures far beyond what was authorized, and for purposes not contemplated in any law; that this excess of expenditure beyond both appropriations and receipts amounted now, in thirty-six years, to more than three hundred and eighty millions of dollars, (seven hundred and fifty-nine thousands of contos of reis); that of this sum about one hundred and fifty millions had been contributed in excess of the estimates, so that the amount of expenditure beyond actual receipts, at the end of thirty-six years, was still more than two hundred and thirty millions of dollars, which now formed part of the national debt.

This last, of course, is of much greater amount, including the deposits on interest by savings-banks and the proceeds of unsettled estates, together with floating debt (treasury notes) and the paper money in circulation, and summing up together some three hundred and seventy-eight millions of dollars.

These annual excesses of expenditure have been hitherto met by each succeeding ministry by using these deposits as if they were regular resources, and by diversion of funds raised for other purposes (railroads, &c.) to meet contingencies not foreseen or provided for by law.

This process has now gone on so long, that the interest on the accumulating indebtedness now requires those funds which were hitherto paid on account of the principal; this last is no longer practicable, and now, at last, the deficit is acknowledged.

The remedy for this is still to be found, and the proposed increase of duties (twenty per cent. additional) will only lessen the receipts.

The true remedy, which the ministry has not had the courage to propose, namely, a cessation of all public works that can be postponed and

a reduction of all salaries to government employés, (increased, and nearly doubled in some instances, three years ago,) is the only escape offered from embarrassment, failure, and bankruptcy of the treasury.

These salaries and pay of all government officers and employés amount now to 24½ millions of dollars, nearly one-half (49 per cent.) of the whole revenue. The interest on the public debt consumes one-third more, so that for all other public charges whatever, army and navy material, public works, carriage of mails, railway and navigation subsidies and all other public objects, there is now disposable only one-sixth (about eight or nine millions of dollars) of the whole revenue of Brazil. I annex hereto the tables used by Mr. Celso, (the treasury statements since 1840,) which show annually the estimated receipts and the excess actually collected, and the expenditures provided for each year by law in contrast with those actually made.

From these, the present financial condition of Brazil may be learned without further reference than to preceding dispatches from this legation.

I am, &c.,

JAMES R. PARTRIDGE.

[Inclosure.]

*Tables of estimates and expenditures taken from the annual treasury reports from 1840-'41 to 1875-'76.*

[The figures to the left of the \$ mark represent milreis; those to the right, reis. Brazilian milreis are equivalent to 54½ cents United States gold; a thousand reis make one milreis.]

<sup>1</sup> ESTIMATES FROM 1840-'41 TO 1849-'50.

Years.	Receipts.		Expenditures.	
	Estimated.	Actual.	Estimated.	Actual.
1840-'41 .....	17, 700, 000 \$000	18, 866, 501 \$294	19, 073, 857 \$851	22, 812, 000 \$587
1841-'42 .....	15, 600, 000 \$000	19, 002, 016 \$302	20, 077, 033 \$402	27, 542, 143 \$569
1842-'43 .....	16, 503, 000 \$000	18, 712, 315 \$182	21, 798, 800 \$004	29, 164, 883 \$279
1843-'44 .....	21, 200, 000 \$000	21, 350, 970 \$709	23, 797, 246 \$327	25, 947, 239 \$689
1844-'45 .....	21, 000, 000 \$000	24, 804, 550 \$630	23, 752, 758 \$496	25, 634, 626 \$652
1845-'46 .....	24, 000, 000 \$000	26, 199, 179 \$386	24, 116, 835 \$569	24, 463, 596 \$678
1846-'47 .....	25, 000, 000 \$000	27, 627, 706 \$992	24, 116, 835 \$696	25, 221, 755 \$454
1847-'48 .....	25, 000, 000 \$000	24, 732, 369 \$633	24, 116, 835 \$569	25, 372, 938 \$152
1848-'49 .....	25, 000, 000 \$000	26, 163, 028 \$441	24, 116, 835 \$569	28, 289, 126 \$210
1849-'50 .....	25, 717, 222 \$220	28, 200, 149 \$576	26, 802, 177 \$039	28, 949, 589 \$472
	216, 920, 222 \$220	235, 658, 788 \$145	232, 449, 630 \$153	263, 397, 899 \$742

ESTIMATES FROM 1850-'51 TO 1859-'60.

1850-'51 .....	27, 229, 000 \$000	32, 696, 901 \$183	26, 275, 681 \$708	33, 224, 587 \$997
1851-'52 .....	27, 299, 000 \$000	37, 712, 597 \$920	26, 275, 681 \$708	42, 754, 781 \$651
1852-'53 .....	30, 500, 000 \$000	38, 102, 802 \$342	27, 482, 829 \$607	31, 653, 505 \$406
1853-'54 .....	32, 353, 000 \$000	37, 048, 216 \$842	29, 633, 706 \$304	37, 330, 188 \$066
1854-'55 .....	34, 000, 000 \$000	38, 576, 043 \$799	31, 153, 336 \$737	40, 572, 498 \$796
1855-'56 .....	34, 000, 000 \$000	41, 942, 225 \$424	32, 441, 246 \$333	42, 864, 283 \$951
1856-'57 .....	34, 000, 000 \$000	52, 756, 109 \$236	33, 785, 380 \$825	41, 926, 719 \$833
1857-'58 .....	35, 500, 500 \$000	53, 411, 166 \$713	35, 500, 496 \$000	54, 027, 379 \$597
1858-'59 .....	39, 428, 100 \$000	50, 375, 723 \$338	40, 097, 068 \$549	55, 192, 442 \$479
1859-'60 .....	45, 000, 000 \$000	47, 070, 791 \$554	48, 302, 935 \$571	55, 299, 391 \$282
	339, 379, 600 \$000	429, 692, 578 \$651	330, 943, 363 \$342	434, 845, 779 \$058

Tables of estimates and expenditures, &c.—Continued.

ESTIMATES FROM 1860-'61 TO 1869-'70.

Years.	Receipts.		Expenditures.	
	Estimated.	Actual.	Estimated.	Actual.
1860-'61 .....	45,000,000 \$000	53,577,129 \$331	48,302,935 \$571	55,797,516 \$225
1861-'62 .....	49,659,651 \$000	55,870,811 \$809	51,313,939 \$298	56,047,457 \$715
1862-'63 .....	49,659,651 \$000	51,480,238 \$529	51,313,939 \$298	59,860,712 \$901
1863-'64 .....	51,500,000 \$000	58,356,845 \$210	53,878,666 \$571	59,393,004 \$568
1864-'65 .....	51,500,000 \$000	61,058,419 \$862	51,500,000 \$000	86,325,372 \$087
1865-'66 .....	55,000,000 \$000	63,511,500 \$842	58,871,725 \$059	125,366,074 \$524
1866-'67 .....	55,000,000 \$000	70,086,253 \$534	58,871,725 \$059	124,489,259 \$163
1867-'68 .....	71,250,000 \$000	75,668,416 \$862	68,530,221 \$091	169,536,838 \$075
1868-'69 .....	71,250,000 \$000	92,586,038 \$574	68,530,221 \$091	154,558,212 \$061
1869-'70 .....	71,250,000 \$000	99,419,649 \$069	68,530,221 \$091	145,807,896 \$462
	571,069,302 \$000	681,615,304 \$522	579,643,594 \$129	1,037,182,403 \$781

ESTIMATES FROM 1870-'71 TO 1875-'76.

1870-'71 .....	94,100,000 \$000	101,335,401 \$827	83,326,718 \$590	103,673,134 \$647
1871-'72 .....	95,800,000 \$000	107,656,780 \$301	85,741,262 \$158	105,033,794 \$531
1872-'73 .....	95,800,000 \$000	116,046,159 \$-19	86,041,262 \$158	127,152,699 \$335
1873-'74 .....	103,000,000 \$000	110,195,649 \$103	98,250,168 \$140	127,537,795 \$590
1874-'75 .....	103,000,000 \$000	112,790,189 \$539	98,250,168 \$140	133,395,360 \$348
1875-'76 .....	106,000,000 \$000	131,957,940 \$000	105,001,317 \$695	127,256,554 \$000
	597,700,000 \$000	679,982,120 \$589	556,610,896 \$881	724,039,838 \$411

RECAPITULATION OF ESTIMATES FROM 1840-'41 TO 1875-'76.

1840-'41 to 1849-'50 .....	216,920,222 \$220	235,658,788 \$145	232,449,630 \$153	263,397,899 \$742
1850-'51 to 1859-'60 .....	339,379,660 \$000	429,692,578 \$651	330,948,363 \$342	434,845,779 \$058
1860-'61 to 1869-'70 .....	571,069,302 \$000	681,615,304 \$522	579,643,594 \$129	1,037,182,403 \$781
1870-'71 to 1875-'76 .....	597,700,000 \$000	679,982,120 \$589	556,610,896 \$881	724,039,838 \$411
	1,725,069,124 \$220	2,026,948,791 \$907	1,699,652,484 \$505	2,459,465,920 \$992

CENTRAL AMERICA.

No. 45.

*Mr. Williamson to Mr. Fish.*

No. 560.]

LEGATION OF THE UNITED STATES  
IN CENTRAL AMERICA,  
*Guatemala, January 14, 1877. (Received February 13.)*

SIR: I have the honor to make the following brief report upon the present political condition of the Central American states.

In Guatemala the dictatorship of President Barrias has been prolonged four years. This was done by the congress or convention called together by him in September last, as reported in my No. 529. His acts indicate a tendency toward the conservative party, and his declarations are strongly in favor of non-intervention in the affairs of the other states. Several of his decrees are thought to be highly advantageous to the planters or "hacenderos." They are well calculated to excite discontent among the Indians, for they almost compel that class of the population to work on the "haciendas" when called upon, whether they wish to do so or the contrary.

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Mr. Marco A. Soto is still acting as provisional President of Honduras, and up to the latest accounts appears to be giving satisfaction to the people of that state.

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In Salvador there is great discontent with the government of President Zaldivar. He was placed in office by the Government of Guatemala. Up to the present time he has succeeded in suppressing the several conspiracies that have been formed to overthrow his government.

In Nicaragua the government of President Chamono is reported to be steadily increasing in strength and popularity. All attempts of the revolutionists have been so completely foiled that they have disbanded.

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In Costa Rica the revolutionary government of Don Vicente Herrera is still in power. Ex-President Guardia is represented to be greatly dissatisfied with it, and desires its overthrow, principally because Herrera refused to declare war against Nicaragua when President Chamono declined to reply to the autographic letter of Don Vicente Herrera announcing his elevation to the presidency of Costa Rica. This occurred in October last.

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All the governments of Central America are at peace, and there seems to be no present prospect of war. None of them are exempt from serious financial troubles, but, strange to say, it appears just now the finances of Nicaragua are in a more sound condition than those of any of the other states.

I hope this short report may enable you to form an opinion of the existing state of political affairs in Central America.

I have, &c.,

GEO. WILLIAMSON.

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No. 46.

*Mr. Williamson to Mr. Fish.*

No. 588.]

LEGATION OF THE UNITED STATES  
IN CENTRAL AMERICA,  
*Guatemala, March 5, 1877. (Received April 13.)*

SIR: I have the honor to lay before you the following report upon the present and prospective lines of communication of the Central American states with the United States and Europe.

To one not familiar with the difficulties of communication with Central America in former times, it would be surprising to note in the dispatches of the first ministers who were accredited to the Central American confederation, as well as of those who were subsequently accredited to the several states, how long a period of time seemed to be required by them to reach their posts of duty, and how difficult it was to receive and to transmit mails. I propose to state in this connection a few facts exhibited by the records of the legation. They relate to the difficulty and danger attending a journey to this city in past times.

The first minister, Hon. John Williams, appears to have journeyed by the way of Havana and Belize. He was several months on the way. So slow was mail communication that, although he arrived in this city on the 2d of May, 1826, his first opportunity of sending a dispatch was the 3d August of that year.

The first minister who came by the Panama route was the Hon. Elijah Hise, in 1848, and he reports a fearfully dangerous trip by sea and land to his post of duty in this city.

The Hon. Mr. Marling, in 1855, came via San Juan del Norte, and arrived at his post in about two months, as he states, by a rare chance availed of, and made successful with resolute pluck.

One of our ministers, Hon. Mr. Shannon, lost his life at Izabal, when coming to this city via Belize route; and another, Hon. Mr. Clark, died of injuries received in the surf when he was engaged in landing at San José de Guatemala.

Up to 1860, it appears that the average time taken by ministers to reach their posts in Central America was two months. Even as late as 1870, a minister reported that he was obliged to pass by the port of San José and make a voyage to Panama and back before he was able to land at San José de Guatemala. At that time there was no pier at San José. Now there is a strong iron one at that port, at Acajutla, at La Libertad, and at Punta Arenas. A finer one than all the other piers mentioned is now under construction at Champerico. It is to be completed in May.

In endeavoring to inform myself fully for the purposes of this dispatch how the mails were formerly sent to the legation or legations, I find that one minister in 1833 recommended the route via Mexico and Vera Cruz, and another the route by Havana to Belize. Several recommended the route via Omoa; some via San Juan del Norte. Before the establishment of the Panama Railroad (now Pacific Mail) Company's line of steamers in 1856, the mails from the United States to ministers seem to have come by occasional vessels from New York or Boston, bound for Belize, Omoa, or Truxillo, and generally were many months on the way.

In those days there was no regular mail communication in these states interiorly and exteriorly. In fact they seem to have had no post-office department. There has been a great change, I am glad to say, effected by the enterprise of an American company, the Panama Railroad Company, to whose steamship lines the Pacific Mail has succeeded.

Capt. J. M. Dow, I believe, first called the attention of the Panama Railroad Company to the importance of developing the Central American trade, and he commanded the first steamship, the Columbus, which ran specially to Central American ports on the Pacific. The contract was signed in the city of Guatemala on the 5th February, 1856. The first trip to Guatemala was made in December of that year. Now there are many ships of the Pacific Mail Steamship Company engaged in the Central American trade. I shall not pretend to name them while treating of this part of my subject, and propose to refer only to those lines that have trade relations with these states.

The lines on the Pacific are first mentioned, partly because, in my judgment, they have done more, and are likely to continue to do more, to direct this valuable trade to the United States than any other lines on the Atlantic side, but principally because all the American and European lines which terminate at Aspinwall make their Central American connections by means of the Panama Railway and the Pacific lines of the Pacific Mail Steamship Company. There are perhaps some other facts that entitle the Pacific lines to special prominence. They are very important to be noted and continually borne in mind in connection with efforts to promote trade between the Central American states and the United States. I shall attempt to give a brief *résumé* of these facts.

The mass of the population is nearest the Pacific. The productive state of Salvador lies entirely upon the Pacific side. It has no front upon the Caribbean. Five-sixths of the population of Nicaragua live south and west of the lakes.

Honduras, in my judgment the poorest of all the states, has a scattered population, the majority of which may be on the Caribbean side. Neither Costa Rica nor Guatemala has a city on her northern and eastern front.

The face, then, of Central America may be said to be to the Pacific. Her back is toward the United States and Europe. The most fertile and healthy agricultural localities in these states are upon the slopes and plateaus on the Pacific or southern side of the great and high range of the Cordilleras that runs through Central America. It is true the highest peaks of the Cordilleras are nearest the Pacific coast, and that the longest and largest rivers empty into the Caribbean and its adjacent waters. The most rugged and continuous ranges are nearer the Caribbean. Geologists consider the former as representing the Sierra Madre, because they are probably older; but admitting that these high peaks represent the oldest range, (as they doubtless do,) it is clear to one familiar with these countries that the general surface of the Pacific slopes and plateaus of Central America is nothing like so rugged, and the ranges of high mountains are not nearly so continuous, as those nearer the Caribbean front.

The northern or Caribbean slope of these ranges of mountains is not so fertile (except in localities) as the southern or Pacific. The rain-fall there is also far greater, and the dry and wet seasons not so distinctly marked. Assuming that coffee will continue to be the staple article of export of these countries, because of the profitableness of its production, it should not be overlooked that the coffee-tree grows best, and produces the most highly aromatic fruit, in a volcanic soil, and where it is not exposed in the season of flowering to either very heavy rains or strong winds. These conditions are found on the Pacific slopes and plateaus. The best coffee-estate I have seen on the Atlantic side is estimated to produce an average of two pounds per tree. The best I have seen on the Pacific side (Las Nubes, the property of an American gentleman, Mr. William Nelson) has averaged up to the present time five pounds or more to the tree. This, however, is an exceptionally good estate.

In respect to harbors, the two shores of Central America are sadly deficient. On the Caribbean, Guatemala has one that is unsurpassed in size and security, the bay of Santo Tomás. Honduras has the little inlet at Omoa, and the too-open port to northeast winds, Puerto Caballos. Nicaragua has none since the port of Greytown lost its usefulness, unless Bluefields may be so considered. Costa Rica has Port Limon, which can scarcely be called a harbor. On the Pacific, Guatemala has no harbor, only open roadsteads. Salvador, Honduras, and Nicaragua all touch upon the splendid harbor of the Gulf of Fonseca. The first two named have these, respectively: the ports La Union and Amapala. Nicaragua has the narrow estuary at Corinto, the open roadstead of Brito, and the bight of San Juan del Sur. Costa Rica has the fine harbors of the Gulf of Nicoya and of the Gulf of Dulce.

The Caribbean side of Central America is also considered more unhealthy than the southern, and (according to my experience) is infested with a greater number and variety of insects annoying to man. It does not seem inappropriate to mention, I have been repeatedly informed by American physicians residing in these countries that the yellow fever has never made its appearance on the Pacific side of Central America.

In addition to this, the Caribbean Sea and Mexican Gulf, through which the northern and eastern coasts of Central America have to be approached, have a deservedly bad reputation among sailors for the terrible hurricanes that prevail upon them. The grand Pacific continues



to deserve its gentle name. It is also worthy of note that quite a number of wealthy, energetic Central Americans have established themselves in business in San Francisco, and that the many attractions of that thriving city, coupled with its semi-tropical climate, are likely to beget influences favorable to the cultivation of trade relations with these States.

This digression seemed to be desirable in order to afford you clear information. To guard against misapprehensions that may arise from this contrast of the Caribbean and Pacific sides of Central America, I beg leave to say, on the former are rich lands and superb woods and extended pasturages for cattle.

The object of the contrast has been neither to depreciate nor super-praise, but to point out the fact that the Pacific section of these countries is more developed than the other, and to indicate some of the causes that have produced, and that are likely to maintain, its superiority in that respect.

The following are the Pacific Mail Steamship Company's lines on the Pacific. The names used to designate them are those employed by the company in its latest schedule: The Panama and San Francisco line. Two of the steamers of this line, in making trips to and from Panama and San Francisco, touch twice a month at the ports of Punta Arenas, in Costa Rica, and San José, in Guatemala. One steamer touches once a month on the trip from San Francisco to Panama and the other touches on the trip from Panama to San Francisco. By a late contract with the government of Salvador the same service is to be performed for that State by touching at the port of La Libertad. These are called through steamers.

When close connection is made with the steamer from New York to Aspinwall, it is possible to arrive at the capital of Costa Rica in thirteen days from New York, and at the capital of Guatemala in fifteen days. It is also possible, by means of this line of steamers, for one to arrive from San Francisco in the capital of Guatemala in twelve days, and in the capital of Costa Rica in fourteen days. Both of the capitals referred to are two days' journey from their respective ports. The Panama and Acapulco line consists of several steamers, that touch at all the Central American ports on the Pacific twice a month in going from Panama to Acapulco, and twice on the return voyage.

The Panama and Champerico line only extends to Champerico, the most northerly port of Guatemala. It also touches twice a month at all the Central American ports on the Pacific. The last named lines carry most of the cargo from Central America. They leave Panama three times a month, 9th, 22d, and 29th. The ships of the last named lines are of about 1,200 tons burden. Those of the Panama and San Francisco line are of about 3,000 tons.

The governments of Central America have contracted to pay the following subsidies to the Pacific Mail Steamship Company for carrying their mails: Guatemala, \$25,000 per annum; Salvador, \$12,000 per annum; Honduras, \$8,000 per annum; Nicaragua, \$6,000 per annum; Costa Rica, \$12,000 per annum. The subsidy of Salvador has been increased to \$25,000 per annum, to be paid in installments, as soon as the new contract, under which the through steamers are to touch twice a month at La Libertad, goes into effect. These vessels also carry the United States mails, but I am not aware that they receive a subsidy for doing so.

At Panama, the foregoing lines of steamers connect with the following foreign and American lines directly, and by means of the Panama Railroad: With the Pacific Steam-Navigation Company's line (British)

to Callao, which leaves Panama four times a month, and touches at all the way ports of any importance in Ecuador and Peru. By means of the Panama Railroad Company, these lines also make connection at Aspinwall with their own New York and Aspinwall line. With the Atlas Steamship Company's line (American) to New York; with the Royal Mail Steam-Packet line (British) to Southampton and Cherbourg; the West India and Pacific Steamship Company's line (British) to Liverpool; the Harrison line (British) to Liverpool, occasionally making voyages by the way of New Orleans for cargo; the General Transatlantic Company's line (French) to St. Nazaire and Havre, and the Hamburg and American line (German) to Hamburg. All of these lines of steamers steam from Aspinwall twice a month, except the General Transatlantic Company's line and the Harrison line, which only leave once a month. Panama and Aspinwall may be considered the distributing-points of the eastern bound trade from the west coast of South America north of Callao, and from the west coast of the Central American States and Mexico. The American ships engaged in this distribution are believed to be nearly, if not quite, equal in carrying capacity to the foreign ones. Assuming\* they all carry about the same cargoes it is easy to see that the share which Europe receives of this valuable and large trade, almost right at our doors, is two-thirds. This does not represent all that foreign ships take from Central America. The Royal Mail Steamship Company's steamers make monthly trips to Port Simon in Costa Rica, and Greytown in Nicaragua, carrying passengers and cargo; and a monthly steamer of the West India and Pacific Steamship Company sails from Kingston to and from Belize, carrying thence, indirectly, the products of the northern parts of Guatemala and Honduras and Nicaragua that are concentrated at that place. In addition to these steam lines carrying the trade of these and other contiguous countries to Europe, there is a line of British clipper-ships that make annual voyages to Punta Arenas in Costa Rica, and there are many German ships that come to Guatemala and these states via Cape Horn annually with cargoes of merchandise, and return with cargoes of wood, hides, &c. There are also American sailing-vessels that frequently, but not quite regularly, ply between ports of the United States and Central America. None of them, I think, can be called lines. (Belize is meant to be included in Central America, for, geographically speaking, it is a part of it.) The most regular of these is believed to be the Jex or Jelks sailing-ships from New York to Belize. I am informed there are three of them, of about five hundred tons burden. There are also several small schooners that carry passengers and freight between New Orleans and Belize. In the winter, there are a number of small sailing-vessels plying between New Orleans and the Bay Islands of Honduras, engaged in the fruit trade. There are also occasional sailing-vessels from Boston and New York that make voyages to Greytown and the Mosquito Coast for india-rubber, &c., but, I am told, nothing like so many now as formerly. On the Pacific side there are occasional sailing-vessels that bring and carry cargoes between San Francisco and the Central American ports.

It is also worthy of mention that an enterprising New York firm, Pomares & Cushman, sent a vessel last year, via Cape Horn, to the Pacific ports of Central America with cargo, and were sufficiently satisfied with the results to send her again the present year. To one looking at the map of North America, without a knowledge of the fact that these states really front, in population and commercially, to the south and west, instead of to the north and east, New Orleans would be pointed

\* It is also assumed that the cargoes from California are about equally distributed at Aspinwall. This may be incorrect.

out as the American city that ought to command a large part of their trade. Being a Louisianian, and having come here with preconceived and incorrect views upon that subject, I have reluctantly abandoned that idea being realized for a long time, (if ever,) even if the merchants of New Orleans were to divert their minds and capital from local and temporary troubles to practical commercial enterprises. The fact is, as heretofore stated in this dispatch, the products and population are not on her side of Central America.

By establishing a steam line to Aspinwall, touching at Belize, Santo Tomás of Guatemala, the Bay Islands, and north coast of Honduras, Greytown, and Port Limon, and returning via Havana, she would probably get a fair share of the trade that now goes to Europe and New York and Boston from that coast. She may never compete successfully for the Pacific coast trade, in my opinion. Its natural market at present is San Francisco. To that port alone in the United States can cargoes be carried without breaking bulk. This fact will be undisturbed until the interoceanic canal is constructed. Central America, geographically, comprises all that semi-continent lying between the Isthmus of Tehuantepec and the Isthmus of Darien.

Politically, it embraces about two-thirds of that semi-continent; commercially, at present, it is a narrow strip on the Pacific, lying between the Gulf of Nicoya, in Costa Rica, and Champerico, in Guatemala. The width of this strip is about eighty miles, and its length about six hundred miles. The trade that passes through Greytown on the Caribbean is carried on with the population that dwells southwest of the lakes of Nicaragua. Under existing conditions New York is commercially nearer Central America than New Orleans. A few facts in connection with this remark are here presented.

From Punta Arenas, the most southerly Pacific port of Central America, to New York via Panama, the steaming distance is about 2,489 miles, to which is to be added forty miles of transit by the Panama Railroad. From Punta Arenas to San Francisco the steaming distance is nearly 2,720 miles. From Champerico, the most northerly and westerly point of Central America, the steaming distance to New York via Panama is about 3,089 miles. To this also must be added the Panama Railroad transit. From Champerico to San Francisco, the steaming distance is about 2,120 miles. From New Orleans to Aspinwall the distance is given on a chart before me at 1,400 miles. Her distance from the northern ports of Guatemala cannot, therefore, exceed 700 miles, and from the eastern terminus of the Nicaragua Interoceanic Canal on the Caribbean side, cannot exceed 1,000 miles. The length of the interoceanic canal route, as measured by Commander Lull, from Greytown to Brito, on the Pacific, is 180.76 miles. From Punta Arenas to Brito, the distance is about 200 miles, and from Champerico to Brito about 400 miles. By this canal route, then, New Orleans would be only about 1,400 miles from Punta Arenas, and about 1,600 miles from Champerico by water communication. She would, then, be much nearer the Pacific Coast of Central America than either New York or San Francisco. The great cities of Saint Louis, Louisville, Cincinnati, and Chicago would then become greatly interested in securing to that city (as an entrepôt at least) a large part of the trade of Central America. Then New Orleans might become a formidable competitor of San Francisco.

Experience, however, teaches that mere proximity, although an advantageous element in influencing the course of trade, is by no means, in these days, to be relied upon as certain to produce changes or satisfactory results. San Franciscan energy and enterprise may reach

through the canal, and, overcoming distance by superior skill and superior commercial facilities, may take the trade of the Caribbean coast of Central America away from New Orleans, as British traders are now doing at Belize, Greytown, and Port Limon. As New Orleans has no steam-line to that coast, it may be said that London and Liverpool are commercially nearer the Caribbean coast of Central America than the metropolis of Louisiana.

In my No. 430 of September 17, 1875, I had the honor to advise you of efforts then being made by the several governments of these States (except Salvador) to obtain facilities of communication through Caribbean ports. You were good enough to say in reply (instruction No. 205) that a copy of the dispatch had been communicated to the Secretary of the Treasury. I now propose to allude to the lines of communication with the United States and Europe, to which these efforts appear to address themselves. It seems best to begin with Costa Rica. Her government is still struggling on under great financial embarrassments to complete the railway from Port Limon to San José. Nearly fifty miles of that part of the railroad is reported to be sometimes in running order. That extraordinary enterprise, so bold in its conception by a little State of scarcely a hundred and fifty thousand inhabitants, so reckless in its management, so difficult in engineering obstacles, and so hurtful in its effects up to the present time, on the hitherto untarnished financial reputation of the State, is too familiar to the Department to need any further comments from me at present. Should the road ever be completed and maintained in running order, it will take a large portion of the trade of Costa Rica to the Caribbean; for her cultivated coffee-lands do not, as in Guatemala, Nicaragua, and Salvador, lie so near the Pacific as to cause the shortness of distance to compete successfully with the greater dispatch of a good railway in the direction of the great markets of the world.

In Nicaragua the outlet of Greytown is by the San Juan River, which is navigated by steamers. The navigation is becoming more difficult each year. A considerable part of the trade of Nicaragua seeks that outlet. When the interoceanic canal is completed the facilities for carriage afforded by the lakes of Nicaragua may control a large part of the trade of that State toward the Caribbean mouth of the canal. In respect to the possible influence of that great enterprise on the channels of trade, I cannot do better than quote the simple yet eloquent words of Commodore Ammen, in a letter published by the American Geographical Society in October, 1876. He says:

The Suez Canal is the opened gate for the inland sea-route of Europe and North Africa with Southern Asia and its Archipelago; the American Isthmus Canal invites Europe with our own commerce to the whole west coast of the Americas, to Northern China and Japan, and southwardly to the Australian continent. Nor can commerce longer forget that not only the drainage of the rivers emptying into the American Mediterranean is of an area greater than that of all the rivers emptying from Europe into the Atlantic, and of all those emptying into the Mediterranean and into the Indian Ocean, but that the valleys of these American rivers are those of different productive zones. The back country essential to commerce exists here, therefore, (as Maury showed twenty-five years ago,) around the Mexican Gulf and the Caribbean Sea, larger than that around any other sea.

The contract for the construction of the canal having been made, and the new treaty for guaranteeing its neutrality being under negotiation, it is not unlikely the present generation may witness the increased activity its completion is expected to produce.

Every American should not only be full of hope, but full of energy and of resources, else we may continue to witness the mortifying spec-

tacle of our neighbors preferring to sell and buy in distant European markets; a spectacle, it may be remarked, not calculated either to please our national pride, or to vindicate our claims to the superior energy of our merchants and manufacturers, or to sustain our pretensions to practical statesmanship.

The interoceanic railway of Honduras is not progressing. It is with difficulty kept in running order to San Pedro, thirty-seven miles in the interior from Puerto Caballos. If the new executive chief of Honduras can assure peace to that unhappy country, and develop her resources in the face of what may well be considered by the most daring financier or statesman insurmountable financial obstacles, the road may in time be pushed farther into the interior. At present the principal use of the road is to transport valuable woods for shipment to Europe.

In Guatemala the main project for communication with the Caribbean is by a cart-road, called here "El Camino del Norte," from this city to Izabal or Santo Tomás. Such a road would not be very difficult or very expensive. Sometimes it is proposed to attempt to use the Motagua River to a point near the Bay of Santo Tomás, and from that point to dig a canal into the bay. Having had occasion to observe the river closely on several trips to and from Izabal, I question the navigability of the Motagua, because of the excessive shoalness in the dry season and the velocity of its current in the wet. There is a very dangerous bar at the mouth of the river. The most practicable project, according to my view, is to build a cart-road to Santo Tomás direct.

Another project is to build a cart-road from Coban, in Alta Vera Paz, to Panzos, near the junction of the Cahaban and the Polochic. The latter river\* empties into the Gulf of Dulce. I have traveled down the river in a steam-launch, and believe from observation it will be navigated by steam whenever there is sufficient trade to support one or more steamers. Many years ago there was a steamer lost on that river. I have thus mentioned, as briefly as practicable, all the existing and proposed lines of communication between these countries and the United States and Europe that are known to me. After considering the statements of this dispatch one cannot fail to feel the force of the fact that under existing conditions San Francisco enjoys advantages over any other city of the United States as a base from which trade relations with these States may be best promoted.

With the rapid growth of California, and the steady development of our other Western States and Territories, there cannot be much doubt all the coffee produced in Central America will find (until the interoceanic canal is completed) its best market in San Francisco. And as the inhabitants of these countries progress in artificial wants, it ought not to be questionable that the skill and energy of our agriculturists, manufacturers, and merchants will enable us to supply them at a cheaper rate and in a more convenient way than European nations. As it seems to be apposite to the subject I take the liberty, in closing this dispatch, to repeat a paragraph of my No. 371, dated June 7, 1875:

As the exported products of Central America are all tropical and such articles as are consumed in the United States, and as all the imports into Central America are such articles as are produced in the United States, it seems obvious that our proximity ought, in time, and with proper energy and skill, to give us the control of this valuable trade. Might it not be promoted by reciprocity treaties?

I am, &c.,

GEO. WILLIAMSON.

\* It drains one of the finest undeveloped regions of Central America, Alta Vera Paz.

No. 47.

*Mr. Williamson to Mr. Fish.*

No. 595.]

LEGATION OF THE UNITED STATES  
IN CENTRAL AMERICA,*Guatemala, March 21, 1877. (Received April 27.)*

SIR: I have the honor to inclose you herewith copy and translation of a decree, No. 175, of the Government of Guatemala, published in the semi-official paper *El Progreso* on the 18th instant. No date is found in the copy of the decree, but it purports to have been published on the 8th of this month.

The promulgation of this decree, for some cause unknown to me, and apparently unknown to any of the many persons with whom I have conversed, was made on the 15th instant in a most formal manner; and, under the orders of the government, the day was observed as a holiday and the city was illuminated at night.

The circular note of the government inclosed with my No. 590 informed you that the government had extended invitations to the diplomatic and consular corps in this city to attend the ceremonies of the promulgation on the 15th instant in the hall of the university. All of us attended. We were politely received and seated by the minister of foreign affairs.

It may seem strange that the codes which purported to have been promulgated on the 15th instant to take effect on the 15th September next, have not been published in any form up to date. Their provisions, whatever they may be, remain known only to the persons that were charged with their preparation, and to the few in authority. I am promised copies by the minister of foreign affairs, whenever they are published. He tells me the laws they contain are "entirely new."

I have the honor, &amp;c.,

GEO. WILLIAMSON.

[Inclosure.—Translation.]

## THE CODES OF THE REPUBLIC.

On the 8th day of the month, the following decree was published:

## DECREE No. 175.

J. Rufino Barrios, general of division and president of the republic of Guatemala, considering that the legislation which up to the present has ruled the republic, and which for the greater part being the old Spanish legislation, is incomplete, confused, and difficult in its understanding and explanation, on account of being embodied in different acts: that the government, with the idea of replacing these defective laws by codes which may be in conformity with the advance of the age and the progress of the country, named, in an act of July 26, 1875, a commission of lawyers intrusted with the drawing up of said codes, and that the said commission has given an account of the projects of the civil code and of the proceedings which are in conformity with the principles of modern legislation, and adaptable to the peculiar circumstances of the republic; and in use of the ample faculties with which I am invested, I decree the following codes civil and of proceedings which shall begin to rule the republic from the 15th day of September next.

(Here follow the codes.)

For the which, let this be published for its solemn promulgation and observance.

Given in the national palace of Guatemala, the 8th day of March, 1877.

J. RUFINO BARRIOS,

*Minister of Government, Justice, and Ecclesiastical Business.*

J. BARBARENA,

*Minister of Finance and Public Credit.*

JOSÉ ANTONIO SALAZAR,

*Minister of War.*

J. M. BARRUNDIA,

*Minister of Foreign Affairs.*

JOAQUIN MACAL,

*Minister of Interior.*

MANUEL HERRERA,

*Minister of Interior.*

LORENZO MONTUFAR.

No. 48.

*Mr. Williamson to Mr. Evarts.*

No. 615.]

LEGATION OF THE UNITED STATES  
IN CENTRAL AMERICA,  
*Guatemala, April 24, 1877. (Received May 21.)*

SIR: I have the honor to inclose you copies and a translation of notes exchanged with the minister of foreign affairs of Guatemala, in respect to a difference between an item in the general postage regulations lately issued by the government of this country, and the postal convention of 1862 between the United States and Guatemala.

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To-day, during a call at the government house, (here called palace,) I showed the minister who has charge over the post-office department the item in which said postal regulations violated the convention. The item of difference which gave rise to the correspondence consisted in the government of Guatemala, in a recent decree, fixing the postage on letters to the United States weighing a half ounce at 4 reals instead of 2 reals. He said readily that the correction would be made as soon as the President returns.

The minister in the course of conversation spoke of a new postal convention between the two countries for the purpose of reducing the rates. I told him it seemed desirable, and that I would refer the matter to you for instructions after conference with the Postmaster-General.

I have the honor, &c.,

GEO. WILLIAMSON.

[Inclosure 1 in No. 615.]

LEGATION OF THE UNITED STATES IN CENTRAL AMERICA,  
*Guatemala, April 17, 1877.*

SIR: I beg leave to call your attention to the discrepancy between the letter-postage as stated in the "Tarifa general de porte de corespondencia," published in the latest number of the "Guatimalteco," "Periódico oficial," under the heading "American," and the rates established by the postal convention of July 16, 1862, between the United States and Guatemala. The convention being still in force, I have no doubt the discrepancy arises from a misprint or inadvertence.

Renewing to you the assurance of my high consideration, I have the pleasure of being, your excellency's obedient servant,

GEO. WILLIAMSON.

His Excellency Sr. Licdo. DON JOAQUIN MACAL,  
*Minister of Foreign Affairs, Guatemala.*

[Inclosure 2 in No. 615.—Translation.]

MINISTRY OF FOREIGN RELATIONS,  
*Guatemala, April 23, 1877.*

SIR: The minister of public works, to whom I handed your note of the 17th instant, has addressed to me the following note, dated to-day:

"SIR: Your letter dated the 18th, referring to the representation made by the minister of the United States relative to the discrepancy which he has observed between the general tariff for carrying correspondence in the post-office regulations and that fixed by the postal convention celebrated by the governments of the two republics in 1862, has been received.

"In order to give a complete answer to the above-mentioned communication, I would esteem it a favor if your excellency will be pleased to request the minister of

the United States to specify in what point of the tariff exists the discrepancy which he has noticed between it and the postal convention to which he alludes.

"I am, with the highest consideration, your obedient servant,  
"MANUEL HERRERA."

I have the honor to forward this copy to your excellency for your information, offering myself to your excellency as your obedient servant.

JOAQUIN MACAL.

No. 49.

*Mr. Williamson to Mr. Evarts.*

No. 616.]

LEGATION OF THE UNITED STATES  
IN CENTRAL AMERICA,  
*Guatemala, April 25, 1877. (Received May 21.)*

SIR: I have the honor to inclose you printed copies and translation of the addresses made recently in Salvador on the occasion of the official reception of the minister of Guatemala accredited to that and the other Central American States.

As President Zaldivar owes his office to President Barrios, of Guatemala, the two discourses may be said to express the present ideas of the latter chief.

You will not fail to note that both attribute the past misfortunes of the Central American States to a lack of knowledge of each other and to the want of union. I apprehend the cause lies deeper than this, and that it may be found in the inaptitude of the people either to govern themselves, or to yield obedience to any government that is not essentially despotic, whatever may be its form. A union of the States that would promise peace and assure liberty would be desirable, but seems unattainable under existing conditions; for there is no internal peace understood here except that which results from passive obedience, and no liberty conceived of except that unlicensed kind which is destructive of all social and political bonds.

Whether these opinions are correct or incorrect, there is no doubt President Barrios still entertains the ambition imputed to him, and yet hopes to become the President of the Central American Union. He proposes to employ the means of peaceful persuasion and the influence of the hoped-for example of the superior progress and stability of Guatemala under his rule. The ambition, if entertained, is not an ignoble one, and the realization of its dreams may not be an unmixed evil to Central America. Every philanthropist must feel an interest in any scheme that may improve the political and social condition of these people. They do not lack vivacity of intellect or courage, and possess many amiable qualities. Their various political experiments evince a persistency of effort to find a government suitable to themselves that merits a better success. If my observations and study of these people have not taken a wrong direction, I would surmise that a sociologist might say, we are witnessing in Central America the struggle of an almost stagnant population against complete stagnation and consequent decay. I hope President Barrios or some one else may be able to save them.

I have the honor, &c.,

GEO. WILLIAMSON.



[Inclosure 1 in No. 616.—Translation.]

*Speech of the minister of Guatemala on his reception.*

The idea of preserving unalterable the order and tranquillity of Central America, of expanding under the shadow of peace our national elements, of exploring the wealth which enriches this privileged region of the planet, called by its geographical position to be the center of the commerce of the world; the idea of guaranteeing to our country permanent institutions, placed at the altitude of the civilization of the age, of carrying out in its greatest and most transcendental applications the principle of liberty, the base of our social improvements; the idea inspired by the knowledge of our most vital interests, nurtured by the most ardent patriotism and sustained by the most profound conviction, has come to be nothing for these republics: a shadow of the past, a dream of the present, an illusion of the future.

The cause of a deception as strange as rare and sad is no longer a mystery for our politicians, since that a sentiment of pure and sincere Central Americanism has shown to us that we do not progress as we should because we do not unite, and we do not unite because we do not know one another sufficiently to appreciate one another as we ought to. We must, therefore, look for the beginning of our evils not alone in the want of union, but chiefly in the existence of bad feeling. Why have these states, which nature has grouped together upon the isthmus that unites the two Americas with an identity of origin, of elements, and of destiny, been able to give over loving one another? More, why have they been able to stain their native soil with blood in civil strifes, always renewed and always sterile? Why has the Central American country, united in national sentiment, united in the darkness of slavery as in the dawn of liberty, carried the political division of its states even into the moral division of its inhabitants, of its principles, of its tendencies? Our independence of Spain was scarcely realized when the colonial party on one side and personal ambition on the other sowed, in Central America, the seeds of division and discord, which, during half a century and in the succeeding generations, has gone on developing a local spirit, and with this spirit emulation, rivalries, and bad feeling. In presence of the history of our misfortunes, in presence of the illusions of which we have been the victims, what should Central Americans do now? What they should do is to manfully combat with the evil that is destroying them; to draw to one another in order that they may know one another, and to know one another in order the better to esteem one another. Disaffection must die immediately when the prejudices that sustain it disappear. Disunion does not exist in the presence of the voice of nature that calls us brothers, in the presence of the voice of sympathy which calls us friends, in the presence of the evidence which shows us that we are worthy one of the other, and in the presence of convenience which obliges us to unite our interests in order that we may not be the plaything of the strong.

It will not be difficult to work profitably for our own good if we are moved by a sincere, firm, and decided will; it will not be impossible to sustain peace in Central America if we labor to that end with the same diligence as we have shown up to the present in making war.

Penetrated by this truth, the general president of Guatemala, participating in the sentiments and dispositions of the sister republics, has intrusted to me the pleasing and honorable mission of announcing to the other governments of Central America the desire which animates him of extending the good relations which exist between those governments and that of Guatemala and the confidence which he cherishes that by the peoples and governments becoming more closely related, they may all be enabled by a common accord to arrange measures in order that peace and the blessings that are inseparable from it may become a reality in Central America.

Excellency, on having the honor to place in your hands the autographic letter which accredits me to your illustrious government of Salvador, permit me to express the most fervent wishes for the personal happiness of your excellency, and for the success and prosperity of the noble and valiant Salvadorian people.

[Inclosure 2 in No. 616.—Translation.]

*Answer of the President of Salvador.*

Possessed of true Central American sentiments, I have heard the expressive address which you have just made me. The ideas you express relative to the origin and motives of the lamentable state in which our States have remained since the first days of their glorious independence are correct. The sad consequences which have logically followed from a situation which at first held out all hopes, to afterward make the deceptions

of the past more painful, are apparent. Having impartially studied our political and moral condition, and having clearly placed before me the causes of the facts which have occurred, I have acquired the most profound conviction that only decided and patriotic wills can improve the actual condition.

International alliances and written conventions, dictated sometimes by necessity and sometimes by convenience, have not carried the stamp of firmness, good faith, and stability necessary in order to have consolidated the existence of Central American interests, and for this reason they have not produced the best results. The history of our political life is full of documents of this class, which confirm the idea that I have just expressed, and whose teaching ought to serve for a guide to open a new horizon to the country, and to make the union something more than an ideal conception—to make it indeed a practical fact manifested by the uniformity of sentiments, of principles, and of rules, which may tend to produce the most positive results in the ruling politics of the Central American States. I am inspired by the persuasion that the future peace of Central America depends in a great measure on the good faith and harmony which may direct and sustain the political relations between the government of Guatemala and Salvador, because in attention to the conditions existing in both these States, it is undeniable that it would be easy to avoid the conflicts which may interrupt that blessing so ardently desired by all lovers of order and patriotism.

I believe that when all these sections are bound together in relations of mutual interest and convenience, when the frontiers shall have disappeared, when unity of sentiment shall be a consequence of the assimilation of their rights and natural interests; and, in fine, when in their common behavior toward one another concord and true friendship reign, that will be the epoch which shall inaugurate the grand fact of the unity of Central America. Then will sound the hour of her fortune and progress, and we shall have the satisfaction of having offered the example of a perseverance for the accomplishment of so glorious a result. Meanwhile the part which falls to us to represent is that of the guardians of the peace and tranquillity of Central America.

Your government being the initiator of such noble ideas, I am pleased to assure it that it shall continue to find on my part the most complete assistance; and the Salvadorian people adopt those ideas with the most enthusiastic applause, because they see in an epoch not far distant the satisfaction of a desire which was the aspiration of many of their predecessors, who died with the grief of not having realized it.

I see, with great satisfaction, your appointment; and the gifts which adorn you, and the ancient friendship which unites us, will be another guarantee to fix and maintain the good relations which exist between the two governments.

The circumstance of fixing the residence of the legation in this capital is a distinction expressive of cordial affection that once more calls for my recognition and consideration, desiring that your stay in this country may be agreeable in the extreme.

I give my sincerest wishes for the happiness and prosperity of the Republic of Guatemala, and congratulate the worthy chief who has distinguished you with the high mission of representing him in the other States in the character of minister plenipotentiary.

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No. 50.

*Mr. Williamson to Mr. Evarts.*

No. 632.]

LEGATION OF THE UNITED STATES  
IN CENTRAL AMERICA,  
*Guatemala, May 31, 1877. (Received June 25.)*

SIR: I have the honor to hand you the reply, received yesterday, from the Government of Guatemala to my note, of which a copy was sent with my No. 615, in respect to the violation of some of the stipulations of the postal convention of July 16, 1862, by the post-office officials.

You will note that President Barrios is said to have given orders that the convention shall be literally complied with by his officials. I hope there may be no further occasion for correspondence on this subject, but apprehend there may be.

I am, &c.,

GEO. WILLIAMSON.

[Inclosure.—Translation.]

*Mr. Montufar to Mr. Williamson.*OFFICE OF FOREIGN AFFAIRS,  
*Guatemala, May 30, 1877.*

SIR: In an opportune moment I had the honor to receive your excellency's estimable note dated the 24th instant. The President, to whom I related its contents, was pleased to order that the postal convention of 1862 should be literally complied with, that convention being still existing between the United States and Guatemala. I informed the minister of public works of this to-day.

With sentiments of the most distinguished esteem, I am, &c.,

LORENZO MONTUFAR.

No. 51.

*Mr. Williamson to Mr. Evarts.*

No. 635.]

LEGATION OF THE UNITED STATES  
IN CENTRAL AMERICA,  
*Guatemala, June 1, 1877. (Received June 25.)*

SIR: I have the honor to inclose you printed copies and translations of two decrees of the Government of Guatemala lately issued. One of them, you will notice, increases the tax upon lands cultivated in sugar-cane 50 per cent., and also increases the existing duties 25 per cent. The other decree imposes a forced loan of \$500,000.

It is to be regretted \* \* \* that at a time of profound peace the President of Guatemala has deemed it expedient to issue such decrees. The import duties were already so high that they were almost prohibitory—so high were they, in fact, that I have been repeatedly informed by intelligent merchants of this city that the prime cost of most articles is more than doubled before they are able to get their importations out of the custom-house; and that upon some articles the duties are more than 200 per cent. The excessively high tariff of Central America is a serious obstacle to the formation of closer commercial relations between it and the United States. \* \* \* \*

I am assured that the forced loan imposed by the decree alluded to is not intended to affect foreigners directly or indirectly. Its indirect effect upon those of them engaged in commerce will be sufficiently serious. I shall be agreeably surprised if there is not an attempt made by the government to enforce the decree as to the foreign as well as native residents of the country.

Awaiting your instructions, I have, &c.,

GEO. WILLIAMSON.

[Inclosure 1 in No. 635.—Translation.]

## DECREE 181.

J. Rufino Barrios, General of Division and President of the Republic of Guatemala, considering that the public income ought to increase in proportion to the necessities of the country, and that it is fitting to the national credit to appoint new funds for the extinction of the bonds of the converted debt, thereby favoring the holders of those bonds, in use of the faculties with which I am invested, I decree:

ARTICLE 1. From the 1st of July next the administrations of taxes will collect 50 per cent. more than is paid at present on every marizana of sugar-cane.

ARTICLE 2. The duties which are collected at present in the custom-houses, both maritime and on the frontier, are raised 25 per cent. on foreign merchandise.

ARTICLE 3. The payment of the augmentation of 25 per cent. hereby established shall be made in the following manner: Counting ten days from this date for the introduction of goods proceeding from any part of Central America; thirty days for importations from California, Mexico, and South America; two months for goods proceeding from New York and the Antilles; four months for the importations from Europe, if made by steamer, and six months for the same if made by sailing-ship.

ARTICLE 4. On paying this tax, 10 per cent. will be paid in bonds of the converted debt and 15 per cent. in cash.

Given in the government palace, May 24, 1877.

J. RUFINO BARRIOS.

The Minister of Exchequer and Public Credit,

JOSÉ ANTONIO SALAZAR.

And by order of the President published and printed.

[Inclosure 2 in No. 635.—Translation.]

DECREE No. 182.

J. Rufino Barrios, General of Division and President of the Republic of Guatemala, decrees:

ARTICLE 1. A loan of \$500,000 shall be raised on the largest capitals of the republic, payable in monthly payments of \$100,000 each, half in silver and half in notes at par; the first payment to be made on the 15th of June next, and the others on the same day of the following months.

ARTICLE 2. The government will give a bonus of 10 per cent. on all the payments made in coin, and it will also give it on those made in paper when this is at par in the market; it will also pay 1 per cent. interest a month on the whole amount subscribed.

ARTICLE 3. Fifty thousand dollars in paper will be extinguished monthly, twenty-five thousand of this amount being of the present loan and the other twenty-five thousand the amount of paper destroyed monthly in the administrative offices of the republic in conformity with a former decree.

ARTICLE 4. For the refunding of the capital and interests of the loan the income from spirits (native) is set apart, of which \$75,000 shall be paid every three months, the first payment being made on June 30, 1878.

ARTICLE 5. For the amounts lent, and their corresponding bonuses, bonds of the converted debt will be given. These bonds will be stamped with a special seal bearing the words, "Loan of 1877." After the payment of the interests, these bonds shall be drawn by lot until they reach the rest of the amount destined to be refunded.

ARTICLE 6. The distribution of the loan will be made by the governors (jefes políticos) in the fairest manner, according to the calculations they are able to make of the capitals of the contributors.

ARTICLE 7. The payments shall be made in this capital in the office of the central commission of consolidation, and in the departments in the office of the governor.

ARTICLE 8. The persons that resist the punctual payment of their respective amounts will thereby render themselves liable to the payment of double the amount which shall be levied on their property; in such cases the authorities must proceed in such a manner as to enforce the payment three days after the requisition.

ARTICLE 9. The minister of the exchequer is charged with the execution of this decree.

Given in the government palace, May 26, 1877.

J. RUFINO BARRIOS.

The Minister of Exchequer and Public Credit,

JOSÉ ANTONIO SALAZAR.

And by order of the President printed and published.

No. 52.

*Mr. Evarts to Mr. Williamson.*

No. 294.]

DEPARTMENT OF STATE,  
Washington, June 7, 1877:

SIR: I have received your dispatch No. 615, of the 25th of April last, in reference to certain postal regulations issued by the Government of

Guatemala, and to the suggestion made by the minister of foreign affairs, that a new postal convention be concluded between the United States and Guatemala, for the purpose of reducing the postage-rates between the two countries; and having submitted the same to the Postmaster-General, I now transmit a copy of a letter, under date of the 28th ultimo, received from Mr. Tyner, acting Postmaster-General, upon the subject, and its accompaniments.

I am, &c.,

WM. M. EVARTS.

[Inclosure.]

*Mr. Tyner to Mr. Evarts.*

POST-OFFICE DEPARTMENT,  
*Washington, D. C., May 28, 1877.*

SIR: I have the honor to acknowledge the receipt of your letter of the 23d instant, transmitting a copy of dispatch No. 615, of the 25th ultimo, and of the correspondence which accompanied it, from Mr. Williamson, United States minister to the Central American States, relative to certain postal regulations issued by the government of Guatemala, which are in conflict with the provisions of our postal convention with that country, and which Mr. Williamson states he has assurances will be corrected.

With reference to the suggestion therein made, that a new postal convention be concluded for the purpose of reducing the postage-rates between the two countries, I have the honor to state that since the conclusion of the general postal union treaty, signed at Berne the 9th of October, 1874, it has not been considered expedient to enter into new separate postal arrangements with neighboring countries, but rather to advise all such countries to apply for admission into the postal union, which now embraces all of Europe, Egypt, Turkey in Asia, Russia in Asia, British India, the British, French, Netherland, and Spanish colonies. The Empire of Japan is admitted into the union from June 1, 1877, and Brazil and the Portuguese colonies from July 1, 1877. Greenland and the Danish colonies have applied for admission from July 1, 1877, and the Argentine Republic from September 1, 1877.

I inclose herewith, for transmission to Mr. Williamson, a copy of the general postal union treaty and detailed regulations thereunder; also, copy of the arrangement concluded at Berne on 27th January, 1876, for the admission of British India and the French colonies into the union under special provisions; which provisions have been made to apply to all the countries and colonies since admitted into the general postal union.

Article XVII of the treaty prescribes the conditions on which the entry into the union of countries beyond sea can be effected upon application to the international postal bureau at Berne.

I am, &c.,

JAS. N. TYNER,  
*Acting Postmaster-General.*

## CHILI.

No. 53.

*Mr. Williamson to Mr. Fish.*

No. 16.]

LEGATION OF THE UNITED STATES,  
*Valparaiso, October 1, 1876. (Received Nov. 13.)*

SIR: I have the honor to inclose, for such action as the Department may deem proper, a copy of a communication received by me from Capt. John K. Nickerson, late master of the American steamship Georgia, lost in the Straits of Magellan.

I have, &c.,

D. J. WILLIAMSON.

[Inclosure.]

*Captain Nickerson to Mr. Williamson.*SANDY POINT, STRAITS OF MAGELLAN,  
August 13, 1876.

SIR: On the 23d of June last the steamship Georgia, under my command, in a dense fog ran ashore on Rocky Point reef, in the Straits of Magellan, about twenty-four miles south of this colony—Sandy Point.

As soon as the governor, Don Diego Dublé Almeida, received notice of my disaster he came personally with the Chilian corvette Magallanes to our assistance, and placed this vessel with her crew at my disposal.

In view of the mere possibility of saving my ship in the dangerous position in which she lies, the Magallanes proceeded to take on board the cargo, stores, furniture, &c.

The Magallanes made three trips to my ship, and on her last trip conveyed my officers and crew to Sandy Point. To do this the boats and crew of the Magallanes were employed. Since my disaster the governor has been unremitting in showing, in the most generous manner, his kindness, and doing all in his power to assist us in our trouble.

As I am not possessed of means of showing my gratitude to the Chilian Government for the many kindnesses I have received, especially from Governor Dublé and the commander of the Magallanes, I address myself to you, sir, that through you I may express to the Chilian Government many thanks for the assistance and protection, especially from Governor Dublé, who, with the greatest kindness, placed his house at the disposition of myself and chief officer.

Very respectfully,

JNO. K. NICKERSON,  
*Master Steamship Georgia, of New York.*

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No. 54.

*Mr. Williamson to Mr. Evarts.*

No. 24.]

LEGATION OF THE UNITED STATES,  
*Valparaiso, June 14, 1877. (Received July 16.)*

SIR: I have the honor to inclose a copy of a communication received on the 8th instant from the Hon. José Alfouso, minister of foreign relations of Chili.

To enable the Department to more fully understand the communication of Mr. Alfonso, I will briefly state the particulars in the case of the steamer Georgia, so far as they are known at the United States Consulate.

The steamer Georgia, Captain Nickerson, owned by the New York Transit Company, while *en route* from New York to San Francisco, Cal., in passing through the Straits of Magellan, ran upon a rock and sank. This accident occurred near the Chilian settlement at Sandy Point, (Punta Arenas.)

Captain Nickerson, believing the Georgia to be a total loss, sold her at public auction to one Jones, for the sum of nine hundred and fifty dollars, and left for New York. A few days after Captain Nickerson left, the steamer Wilmington, Captain Holmes, belonging to the Transit Company, arrived at Sandy Point with men and machinery, for the purpose of raising the wrecked steamer. Captain Holmes purchased the Georgia back from Jones for the sum of fifteen thousand dollars, giving an order for the amount on Kendall and Company, of this city.

This house refused to honor the order of Captain Holmes. Then Jones applied to the civil court of this province and obtained an order of arrest, to prevent the steamer Georgia leaving the waters of Chili, and also commenced suit to obtain back the steamer.

Captain Holmes raised the Georgia and made such repairs as would

enable him to take her to San Francisco. Upon hearing of the order of the court detaining the steamer, he came to this city and applied to the court for authority to bring her to this port, giving as a reason that it was difficult for him to obtain provisions for his crew at Sandy Point. This authority was refused him. He then returned to Sandy Point and, as it appears, left without authority.

The Georgia is detained at Callao, Peru, at the request of the Chilian Government, and I learn that Mr. Gibbs, our minister to that republic, has applied for her release.

I am, &c.,

D. J. WILLIAMSON.

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[Inclosure.]

*Señor Alfonso to Mr. Williamson.*

REPUBLIC OF CHILI,  
MINISTRY OF FOREIGN RELATIONS,  
*Santiago, May 29, 1877.*

SIR: The American steamer Georgia was wrecked a few months since in passing through the Straits of Magellan. Her remains having been alienated at a public auction held in Sandy Point; there have afterward arisen questions, brought before the ordinary courts of justice, relative to the property in her, or the better right to her possession. Among others a petition for an embargo upon the vessel, already put afloat, was presented, which petition was granted. The tribunal having cognizance of the cause communicated to the governor of Magallanes the decree granted, in order that the Georgia should not absent herself, and that functionary, on his part, commissioned an officer of the army, who, repairing on board of the Georgia, should see that the aforesaid decree was duly carried out.

In this state of affairs the Georgia, which was lying at some distance from Sandy Point, aided by another vessel of her own nationality, the steamer Wilmington, left her anchorage, giving no heed to the earnest requests of the officer charged with her custody, thus infringing the decree of embargo. So soon as the superior authorities had knowledge of this fact, they ordered that if the Georgia should touch in any Chilian port she should be detained. The Georgia arrived shortly afterward, accompanied by the Wilmington, at the port of Lota, the maritime governor of which place had already received the said orders, in obedience to which that officer determined that a coxswain, in conjunction with the officer whom the Georgia had violently carried off, should duly carry out the order of detention.

In Lota the same scene was repeated as in Magallanes. The Georgia paid no more attention to the two public employés charged with her detention than to the decree of embargo. She left that port, carrying with her the two employés.

During her voyage north she put into Mexillones de Bolivia, at which port she disembarked the officer and coxswain, still making use of force. Thence she steered for Callao, where I have learned an order for her detention has been granted by the authorities of that republic, at the requisition of the Chilian consul.

I believe that commentaries upon the facts I have stated are needless, for they are of such a nature that any argument respecting them would deprive them of their force. But at the same time I consider it indispensable to bring them officially to your excellency's notice, especially as they concern a vessel covered by the flag of your nation, which, if it be a guarantee that the persons and interests of Americans must be respected throughout the world, bears with it likewise the obligation of observing the respect due to the laws and authorities of the countries whither commerce or navigation may carry that flag. Unhappily, this latter has not taken place in the case of the Georgia, and for this reason it has been necessary to apply to a foreign authority, soliciting her detention for the purpose of making effective the responsibilities emanating from the facts hereinbefore detailed.

I avail myself of this opportunity to repeat to your excellency the sentiment of consideration with which I am, &c.,

J. ALFONSO.

No. 55.

*Mr. Seward to Mr. Williamson.*

No. 151.]

DEPARTMENT OF STATE,  
*Washington, July 19, 1877.*

SIR: Your dispatch No. 24, of the 14th ultimo, has been received. It relates to the case of the steamer Georgia, which, having struck a rock in the Straits of Magellan, was sold at auction to one Jones for a trifle, and was afterward bought back by the agent of the owners at New York. This purchaser gave Jones in payment a draft on a house at Valparaiso, which not having been honored, process for the detention of the vessel was issued there, and a Chilian military officer ordered on board as keeper. The master of the steamer Wilmington, from New York, however, who was the special agent dispatched thence with skilled persons to raise the Georgia, having accomplished this, started with her for her original destination, retaining the Chilian military officer on board. Having stopped at Lota, in Chili, for coal, a civilian was there also placed on board as keeper. The steamer, however, left that port with both the keepers, but they were subsequently landed in order that they might return to Valparaiso by one of the steamers which ply on that coast.

The Chilian minister for foreign affairs, in his note to you of the 29th ultimo, complains of the carrying off of the Georgia and her guardians, while in supposed legal custody within that republic, and acknowledges that his government had applied to that of Peru to detain that steamer, an application which, for a time at least, was successful.

This government expects vessels and citizens of the United States abroad to abide by the local laws. It also expects foreign governments to carry their laws into effect in conformity with substantial justice, and to frown upon shams and fraud. \* \* \* The stranding of the Georgia, by Nickerson, her master, and her subsequent irregular sale to Jones without communication with or sanction by her owners at New York, were, at least, suspicious proceedings, especially as it is understood that the governor at Punta Arenas had no authority to authorize or sanction either a survey or the sale of that steamer. It is obvious, therefore, that if the title to her did not pass to Jones through the path of law, it was invalid to a degree which vitiates all his subsequent proceedings.

It may be remarked that the purchase from Jones, even supposing his title to have been good, was not authorized by the Panama Steamship Company. In sending the steamer Wilmington to the straits with a gang of wreckers on board, they supposed that nothing had been done to divest them of the title to their property; and, although nothing had been legally accomplished for that purpose, it is evident that when the master of the Wilmington reached that point, so remote from his principals, and found that the Georgia was claimed by Jones, he was surprised and perplexed to a degree which inconsiderately led him to give the draft on Valparaiso, which was not paid.

The master of the Wilmington may be assumed to have been actuated solely by a desire faithfully to discharge the trust which had been committed to him of saving the Georgia and of restoring her to her rightful owners. It is probable he found he could not do this without taking in the steamer the keepers which had been placed on board of her. It is not to be supposed that in adopting this course he was actuated by any malice toward those persons, by any purpose to harm them, or that he had any thought of disrespect toward the Chilian authorities.



Vessels which pass through the Straits of Magellan, even when skillfully and honestly navigated, are well known to be much liable to casualties like that which befell the Georgia. The Chilian penal settlement of Punta Arenas being the only one in that quarter, persons attached to it are naturally liable to temptation to take advantage of the misfortunes resulting from the wreck or stranding of vessels.

It is obviously the duty of the Chilian Government, however, to make provision against such abuses and not to seek to protect and encourage them.

I am, &c.,

F. W. SEWARD,  
*Acting Secretary.*

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## CHINA.

No. 56.

*Mr. Hunter to Mr. Seward.*

No. 79.]

DEPARTMENT OF STATE,  
*Washington, September 11, 1876.*

SIR: your dispatch, No. 110, under date of the 19th July last, with inclosures relative to passports for Americans traveling in China, has been received.

Your general views on this subject are judicious, and are approved.

The statutes of the United States require a fee of \$5 for each passport issued. This must be complied with.

The statutes also confine the power of issuing passports in a foreign country to the principal diplomatic representative of the United States in that country, when there is such representative. Consuls can issue passports *only* when there is no such diplomatic representative in the country.

The form of passport prepared by you seems to be appropriate. In order to avoid the inconvenience which would follow the necessity of sending to Peking for every passport which may be required at remote ports, it might be arranged that the minister sign a certain number in blank, to be countersigned by the consuls, thus observing the requirements of the statute.

The minister in issuing to the several consulates a certain number of blanks thus signed, will, under regulations which he must establish, require an accurate report of the issues, with details as to the individuals to whom issued, the dates, &c., and a return of the fees. The minister should be required to report to the Department the number of such blanks issued, and the consulates to which they are issued, and the consuls should be instructed to report to the Department, immediately on their receipt, the fact, and the number received, as well as to acknowledge their receipt to the minister. The consuls should also be instructed to report *quarterly* to the Department all passports issued by them, with full particulars. The instructions to the consuls must be dependent upon the result of your action in the premises.

I am, &c.,

W. HUNTER,  
*Acting Secretary.*

No. 57.

*Mr. Seward to Mr. Fish.*

No. 134.]

UNITED STATES LEGATION,  
*Peking, October 3, 1876. (Received Nov. 29.)*

SIR: I have the honor to transmit to you herewith a copy of the agreement entered into at Chefoo on the 13th September between the plenipotentiaries of Great Britain and China.

This document has been communicated to the several legations by the foreign office. They have also sent to us letters communicating the memorial and edict in regard to the Yunnan matter, called for by the agreement, and asking us to consider the various questions raised in the agreement, and to report our views.

I shall not attempt to offer in this dispatch any comments upon the agreement, excepting to remark that it will, in some directions, considerably improve the condition of foreigners in China. Its one unfortunate feature is the proposed settlement of the *likin* question.

Since the receipt of the letters of the foreign office in regard to outstanding issues, I have considered with my colleagues, the ministers of Russia, Germany, France, and Spain, the answer which we ought to make. I pointed out to the English minister while at Chefoo the questions which might be raised in this connection. What I said to him was briefly reported in my dispatch to you of the 5th September, in the following words:

He should be careful in stating the terms of such reference, for the reason that these issues may be called up by any of the ministers, and it may be more agreeable to them to choose for themselves the moment for the discussion, and because his reference would necessarily be more or less tainted by the fact that it grew out of a grievance with which other powers have no special concern.

After much debate, during a great part of which I feared that my colleagues would state their objections to the reference in such manner as to block discussion of the issues involved, we agreed upon the form of a letter, which I inclose herewith. This states, in effect, that it will be more agreeable for us to determine with the foreign office what questions need discussion, and, having settled this part of the matter, to proceed with efforts to arrive at conclusions in regard to them. In one matter, that of the abuses in the taxation of foreign goods, we thought it necessary to say that existing treaty stipulations must be regarded, until they have been changed in due course of negotiation.

The British minister takes our action in good part, and I hope that we may soon enter upon the important work before us. Our discussions will bring under review all the issues raised by him, and some others. I shall be able to report to you from time to time the disposition of my colleagues, and our success with the foreign office.

The form of Sir Thomas Wade's agreement is such that our discussion, if conducted on his basis, would have had no unpleasant connection, necessarily, with the Yunnan matter. The situation in this respect is made better, however, by the answer which we have returned to the foreign office, as now, whatever may be done will be in the line of open negotiation, and without pressure or the appearance of it.

I am happily in possession of your instructions in regard to several of the questions in issue, and may hope for further instructions soon, particularly in answer to my dispatch on the German treaty revision. I shall then be able to enter intelligently upon our discussions.

I ought to make here my acknowledgments to the British minister

for the deference with which he has treated the suggestions which I have from time to time made to him. Since my return to Peking he has informed me that he threw his agreement into its present form, separating the Yunnan case from the commercial and other issues, partly to meet my statement of the difficulty which I should find in approaching these issues if connected with the Yunnan matter. The pledges which he received last year from the foreign office, to which he refers in the agreement, enabled him to do this. He has also told me that what I said to him at Chefoo, as to the desirability of procuring the unconditional settlement of such matters as he could properly close, arrested his attention, and that to this is largely due the fact that he closed for the opening of ports instead of leaving them "in the air," pending the discussion of general issues. The judicial matter is also one which I especially urged upon his attention, and with his disposition of which I am especially pleased.

In regard to the mint and post-offices, he states that he was not aware that the government was so far committed to them as my information shows. If he had known the situation in this respect he would have drawn into his agreement a suitable declaration in regard to them. I cannot but regret this, but, evidently, having received my information from Mr. Hart and otherwise from the Chinese side, I was not at liberty to disclose the facts to him pending the adjustment. I shall bring these matters up in the discussion which I hope will now soon ensue.

I have the honor to be, &c.,

GEORGE F. SEWARD.

[Inclosure.]

*Agreement negotiated between Sir Thomas Wade, K. C. B., Her Britannic Majesty's envoy extraordinary and minister plenipotentiary at the court of China, and Li, minister plenipotentiary of His Majesty the Emperor of China, senior grand secretary, governor-general of the province of Chihli, of the first class of the third order of nobility.*

The negotiation between the ministers above mentioned has its origin in a dispatch received by Sir Thomas Wade, in the spring of the present year, from the Earl of Derby, principal secretary of state for foreign affairs, date 1st January, 1876. This contained instructions regarding the disposal of three questions. First, a satisfactory settlement of the Yunnan affair; secondly, a faithful fulfillment of engagements of last year respecting intercourse between the high officers of the two governments; thirdly, the adoption of a uniform system in satisfaction of the understanding arrived at in the month September, 1875, (8th moon of the 1st year of the reign of Kwangsi,) on the subjects of rectification of conditions of trade. It is to this dispatch that Sir Thomas Wade has referred himself in discussions on these questions with the Tsungli Yamên, further reference to which is here omitted as superfluous. The conditions now agreed to between Sir Thomas Wade and the Grand Secretary Li are as follows:

SECTION I.—SETTLEMENT OF THE YUNNAN CASE.

1. A memorial is to be presented to the throne, whether by the Tsungli Yamên or by the Grand Secretary Li, is immaterial in the sense of the memorandum prepared by Sir Thomas Wade. Before presentation, the Chinese text of the memorial is to be shown to Sir Thomas Wade.

2. The memorial having been presented to the throne, and the imperial decree in reply received, the Tsungli Yamên will communicate copies of the memorials and imperial decree to Sir Thomas Wade, together with the copy of a letter from the Tsungli Yamên to the provincial governments, instructing them to issue a proclamation that shall embody at length the above memorial and decree. Sir Thomas Wade will then reply to the effect that, for two years to come, officers will be sent by the British minister to different places in the provinces to see that the proclamation is posted. On application from the British minister, or the consul of any port instructed by him to make application, the high officers of the provinces will depute competent officers to accompany those so sent to the places which they go to observe.

3. In order to the forming of such regulations as will be needed for the conduct of the frontier trade between Burmah and Yunnan, the memorial submitting the proposed settlement of the Yunnan affair will contain a request that an imperial decree be issued, directing the governor-general and governor whenever the British Government shall send officers to Yunnan, to select a competent officer of rank to confer with them and to conclude a satisfactory arrangement.

The British Government will be free for five years from the 1st of January next (being the 17th day of the 11th moon of the second year of the reign of Kwangsi) to station officers at Tali-foo, or at some other suitable places in Yunnan, to observe the conditions of trade, to the end that they may have information upon which to base the regulations of trade when these have to be discussed. For the consideration and adjustment of any matter affecting British officers or subjects, these officers will be free to address themselves to the authorities of the province. The opening of the trade may be proposed by the British Government, as it may find best, at any time within the term of five years, or upon the expiry of the term of five years. Passports having been obtained last year for a mission from India into Yunnan, it is open to the Viceroy of India to send such a mission at any time he may see fit.

The amount of indemnity to be paid on account of the families of the officers and others killed in Yunnan, on account of the expenses which the Yunnan case has occasioned, and on account of claims of British merchants, arising out of the action of officers of the Chinese Government up to the commencement of the present year, Sir Thomas Wade takes upon himself to fix at two hundred thousand taels, payable on demand.

6. When the case is closed an Imperial letter will be written, expressing regret for what has occurred in Yunnan. The mission bearing the imperial letter will proceed to England immediately. Sir Thomas Wade is to be informed of the constitution of this mission for the information of his government. The text of the imperial letter is also to be communicated to Sir Thomas Wade by the Tsungli Yamén.

#### SEC. 2.—OFFICIAL INTERCOURSE.

Under this heading are included the conditions of intercourse between high officers in the capital and the provinces, and between consular officers and Chinese officials at the ports; also the conduct of judicial proceedings in mixed cases.

1. In the Tsungli Yamén memorial of the 28th of September, 1875, Prince Kung and the ministers stated that their object in presenting it had not been simply the transaction of business in which Chinese and foreigners might be concerned. Missions abroad and the question of diplomatic intercourse lay equally within their prayer.

For the prevention of further misunderstanding upon the subject of intercourse and correspondence, the present conditions of both having caused complaint in the capital and in the provinces, it is agreed that the Tsungli Yamén shall address a circular to the legations, inviting foreign representatives to consider with them a code of etiquette, to the end that foreign officials in China, whether at the ports or elsewhere, may be treated with the same regard as is shown to them when serving abroad in other countries, and as would be shown to Chinese agents so serving abroad. The fact that China is about to establish missions and consulates abroad renders an understanding on these points essential.

2. The British treaty of 1858, article xvi, lays down "that Chinese subjects who may be guilty of any criminal acts toward British subjects shall be arrested and punished by Chinese authorities according to the laws of China. British subjects who may commit any crime in China, shall be tried and punished by the consul, or any other public functionary authorized thereto, according to the laws of Great Britain. Justice shall be equitably and impartially administered on both sides."

The words *functionary authorized thereto* are translated in the Chinese text, *British Government*.

In order to the fulfillment of its treaty obligations, the British Government has established a supreme court with a special code of rules, which it is now about to revise. The Chinese Government has established at Shanghai a mixed court, but the officer presiding over it, either from lack of power or dread of unpopularity, constantly fails to enforce his judgments. It is now understood that the Tsungli Yamén will write a circular to the legations inviting foreign representatives at once to consider with the Tsungli Yamén the measures needed for the more effective administration of justice at the ports open to trade.

3. It is agreed that wherever a crime is committed affecting the person or property of a British subject, whether in the interior or at open ports, the British minister shall be free to send officers to the spot, to be present at the investigation. For the prevention of misunderstanding on this point, Sir Thomas Wade will write a note to the above effect, to which the Tsungli Yamén will reply, affirming that this is the course of proceedings to be adhered to for the time to come.

It is further understood that so long as the laws of the two countries differ from

each other, there can be but one principle to guide judicial proceedings in mixed cases in China, namely, that the case is tried by the official of the defendant's nationality, the official of the plaintiff's nationality merely attending to watch the proceedings in the interest of justice. If the officers attending be dissatisfied with the proceedings, it will be in his power to protest against them in detail. The law administered will be the law of the nationality of the officer trying the case. This is the meaning of the words *hwui tung*, indicating combined action in judicial proceedings, in article xvi of the treaty of Tien-tsin, and this is the course to be respectively followed by the officers of the two nationalities.

### SEC. 3.—TRADE.

With reference to the area within which, according to the treaties in force, *likin* ought not to be collected on foreign goods at the open ports, Sir Thomas Wade agrees to move his government to allow the ground rented by foreigners (the so-called concessions) at the different ports to be regarded as the area of exemption from *likin*; and the Government of China will thereupon allow Ichang, in the province of Hupeh, Wuhu in Nganhwui, Wenchow in Cheh-Kiang, and Peihai (Pakhoi) in Kwangtung, to be added to the number of ports open to trade and to become consular stations. The British Government will further be free to send officers to reside at Chungking to watch the conditions of British trade in Szechuen. British merchants will not be allowed to reside at Chungking or to open establishments or warehouses there so long as no steamers have access to the port. When steamers have succeeded in ascending the river so far, further arrangements can be taken into consideration.

It is further proposed as a measure of compromise that at certain points on the shore of the great river, namely, Tatung and An-ching [Ngan-King] in the province of Nganhwui, Hukow in the province of Kiangsi, Wu-Ksueh, Lu-chi-kon and Sha-shi in Huk-wang, these being all places of trade in the interior, at which, as they are not open ports, foreign merchants are not legally authorized to land or ship goods, steamers shall be allowed to touch for the purpose of landing or shipping passengers or goods, but in all instances by means of native boats only, and subject to the regulations in force affecting native trade.

Produce accompanied by a half-duty certificate may be shipped at such points, by the steamers, but may not be landed by them for sale. And at all such points, except in the case of imports accompanied by a transit-duty certificate, or exports similarly certificated, which will be severally passed free of *likin* on exhibition of such certificates, *likin* will be duly collected on all goods whatever by the native authorities. Foreign merchants will not be authorized to reside or open houses of business or warehouses at the places enumerated as ports of call.

2. At all ports open to trade, whether by earlier or later agreement, at which no settlement area has been previously defined, it will be the duty of the British consul, acting in concert with his colleagues, the consuls of other powers, to come to an understanding with the local authorities regarding the definition of the foreign settlement area.

3. On opium, Sir Thomas Wade will move his government to sanction an arrangement different from that affecting other imports. British merchants, when opium is brought into port, will be obliged to have it taken cognizance of by the customs and deposited in bond, either in a warehouse or in a receiving-hulk, until such time as there is a sale for it. The importer will then pay the tariff duty upon it, and the purchasers the *likin*, in order to the prevention of evasion of duty. The amount of *likin* to be collected will be decided by the different provincial governments according to the circumstances of each.

4. The Chinese Government agrees that transit-duty certificates shall be framed under one rule at all the ports, no difference being made in the conditions set forth therein; and so far as imports are concerned, the nationality of the person possessing and carrying these is immaterial. Native produce from an inland center to a port of shipment, if *bonâ fide* intended for shipment to a foreign port, may be by treaty certificated by the British subjects interested, and exempted by payment of the half-duty from all charges demanded upon it *en route*. If produce be not the property of a British subject, or is being carried to a port not for exportation, it is not entitled to the exemption that would be secured by the exhibition of a transit-duty certificate.

The British minister is prepared to agree with the Tsungli Yamên upon rules that will secure the Chinese Government against abuse of the privileges affecting produce.

The words *nei-ti* (inland) in the clause of article vii of the rules appended to the tariff regarding carriage of imports inland, and of native produce purchased inland, apply as much to places on the sea-coasts and river-shores as to places in the interior not open to foreign trade; the Chinese Government having the right to make arrangements for the prevention of abuses thereat.

5. Article xiv of the treaty of Tientsin proscribes no limit to the term within which

a drawback may be claimed upon duty-paid imports. The British minister agrees to a term of three years, after expiry of which no drawback shall be claimed.

6. The foregoing stipulation that certain ports are to be opened to foreign trade, and that landing and shipping of goods at six places on the great river is to be sanctioned, shall be given effect to within six months after the receipt of the imperial decree approving the memorial of the grand secretary Li.

The date for giving effect to the stipulations affecting exemptions of imports from *likin* taxation within the foreign settlements and the collection of *likin* upon opium by the customs inspectorate at the same time as the tariff duty upon it, will be fixed as soon as the British Government has arrived at an understanding on the subject with the foreign governments.

7. The Government of Hongkong having long complained of the interference of the Canton customs revenue-cruisers with the junk-trade of that colony, the Chinese Government agrees to the appointment of a commission to consist of a British consul, an officer of the Hongkong Government, and a Chinese official of equal rank, in order to the establishment of some system that shall enable the Chinese Government to protect its revenue without prejudice to the interests of the colony.

## SEPARATE ARTICLES.

Her Majesty's Government having it in contemplation to send a mission of exploration next year by the way of Peking through Kansuh and Koko-nor, or by way of Szechuen to Tibet and thence to India, the Tsungli Yamên, having due regard to the circumstances, will, when the time arrives, issue the necessary passports and will address letters to the high provincial authorities, and to the resident in Tibet. If the mission should not be sent by these routes, but should be proceeding across the Indian frontier to Tibet, the Tsungli Yamên, on receipt of a communication to the above effect from the British minister, will write to the Chinese resident in Tibet; and the resident, with due regard to the circumstances, will send officers to take due care of the mission, and passports for the mission will be issued by the Tsungli Yamên, that its passage be not obstructed.

Done at Chefoo in the province of Shantung, the thirteenth day of September, in the year of our Lord one thousand eight hundred and seventy-six.

[Inclosure 2 in No. 134.]

Prince Kung, chief secretary of state for foreign affairs, herewith makes a communication.

Upon the 17th instant the privy council transmitted an imperial decree in response to a memorial from Li Hung Chang who, in obedience to the imperial commands, had proceeded to Chefoo and adjusted the Yunnan business with the British minister.

The English interpreter, Margary, upon the frontiers of China, in Yunnan, has lost his life. The several local officials, civil and military, failed to afford protection, and, being thus remiss in duty, merit punishment in proportion to the gravity of their fault.

Since, however, Li Hung Chang memorializes that the British minister, Sir Thomas Wade, is of opinion that to afford sufficient protection in the future is better than to punish for the past derelictions, and hence requests that the various criminal parties in the case be pardoned, it is decreed accordingly to his request. With the exception of Chiang Tsung Han, the general in command at Ting Yueh-chen and Wu-Chi-Liang, the subprefect at Seng Yueh, who have already been deprived of office, and need not be further punished; Lieutenant-Colonel Li Chen Kuo, and the criminals, Ertungwafutu and others, eleven in number, may all receive pardon.

Margary was a British official deputed under passport to proceed through Yunnan into Burmah, and both in going and returning should have received full protection. But, on the contrary, he was suddenly murdered, and the members of his party were beaten, plundered, and driven back, a proceeding well calculated to destroy amicable relations of the empire.

Hereafter the viceroys and governors of the several provinces must with great care give heed to the edict issued upon the 9th October last, and promulgate the most stringent orders to their subordinate officials that whoever meets a foreigner bearing a passport going into the interior must treat him in strict accordance to treaty, and afford satisfactory protection. If there arise cases of ill-treatment or violence, the provincial authorities of high and low grade will be called to account, and the foreign office is directed to prepare a suitable form of proclamation and forward it to the several provinces, that the officials may act in accordance to its terms and instruct all authorities to conform to treaty stipulations in order to preserve international peace.

In case foreign officials or subjects are killed, the real criminals must be sought out

and punished at once, and no delays be allowed to aggravate the offense. The Margary case is now settled.

In the matter of trade upon the Yunnan frontier, it is ordered that whenever the British Government shall appoint officials, the viceroy and governor of Yunnan shall appoint proper deputies to proceed to the frontier and examine into the circumstances and report suitable regulations. Respect this.

The privy council has also transmitted the imperial decree approving and ordering carried into effect the convention submitted by Li Hung Chang. A copy of this convention will be forwarded to your excellency at a future day. In the mean time, I beg to inform you of the edicts of His Majesty, as mentioned above.

September 18, 1876.

To GEORGE F. SEWARD, Esq., &c.

[Inclosure 3 in No. 134.]

Prince Kung, chief secretary of state for foreign affairs, herewith makes a communication.

Upon the 17th instant this office received a memorial of Li, viceroy, member of the grand council and special envoy, reporting the settlement of the Yunnan case, and a convention agreed upon with Sir Thomas Wade, the British minister, together with the imperial approval, as follows: "Let this be carried into effect as planned. Respect this."

This office has already transcribed the imperial edict and forwarded it for your excellency's information, as also a copy of the several articles of the convention.

It will be noticed that the convention contains the following language:

"The sixteenth article of the treaty made with England in the eighth year of Hsien Fung states that \* \* \* 'British subjects who may commit any crime in China shall be tried and punished by the consul or other public functionary authorized thereto according to the laws of Great Britain. Justice shall be equitably and impartially administered on both sides.'

"It appears that the English text of the original treaty states that English subjects guilty of offenses shall be dealt with by English consuls or such other officials as may be appointed, &c., while in the Chinese text the whole is covered by the two words 'English Government.' Heretofore the British Government has drawn up a careful course of procedure, appointed judicial officers, and established a supreme court at Shanghai, in order to carry into effect this article of the treaty.

"The British Government has at the present moment revised and perfected the judicial code, heretofore established, and set up a mixed court at Shanghai for the trial of cases in which Chinese and foreigners are conjointly involved. But the officials deputed, (Chinese,) whether because of inadequate authority or through fear of the enmity of their own people, continually fail to do justice, &c."

The foregoing language being in explanation of the sixteenth article of the British treaty, which relates to trial of mixed cases. This office has already addressed the British minister upon this subject.

This article also declares that "it is agreed that the various ministers resident at Peking shall be addressed by the foreign office with a request that they will meet in conference with the foreign office in order to fix upon a code of procedure for international cases arising at the ports in order to the furtherance of justice and equity, &c.

The idea is that, if possible, a single course of procedure shall be determined on for all international cases.

Your excellency is therefore requested to consult with the several ministers resident in the capital and agree with them upon an acceptable system, and thereafter to address this office and submit the result of your deliberations for its acceptance.

Peking, September 26, 1876.

To GEORGE F. SEWARD, Esq., &c.

[Inclosure 4 in No. 134.—Translation.]

Prince Kung, chief secretary of state for foreign affairs, herewith makes a communication.

Upon the 17th instant this office received the memorial of Li, viceroy, member of the grand council and special envoy, reporting the settlement of the Yunnan case and the convention agreed upon with Sir Thomas Wade, the British minister, together with the imperial approval, as follows: "Let it be carried into effect as planned. Respect this."

This office has already transcribed the imperial edict and forwarded it for your excellency's information, as also a copy of the several articles of the convention.

The convention states that upon the 9th October last the foreign office memorialized

the throne as follows: \* \* \* "Their various memorials recommending the providing of persons skilled in foreign affairs was not merely in order to the management of international matters, but the entire subject of reciprocal diplomatic intercourse was also included," &c.

To the prevention of further misunderstanding upon the subject of intercourse and correspondence, the present condition of both having caused complaint in the capital and in the provinces, it is agreed that the Tsungli Yamun shall address a circular to the legations inviting foreign representatives to consider with them a code of etiquette, to the end that foreign officials in China, whether at the ports or elsewhere, may be treated with the same regard as is shown to them when serving abroad in the other countries, and as would be shown to Chinese agents so serving abroad.

The fact that China is about to establish missions and consulates abroad renders an understanding on these points essential.

This article in its import evidences clearly the sincere desire of this government for amicable relations. It is certainly desirable that the various bearings of the question should be fully considered and a code of etiquette agreed upon, with the hope that international relations may become more friendly.

It therefore becomes my duty to transcribe the article in question, and address your excellency and the other ministers, that you may confer together at your convenience, and that, when you shall have arrived at an agreement, you will be so kind as to address this office, in order that a joint consideration and mutual agreement may be arrived at.

Peking, September 26, 1876.

To GEORGE F. SEWARD, Esq., &c.

[Inclosure 5 in No. 134.]

Prince Kung, chief secretary of state for foreign affairs, herewith makes a communication.

Upon the 17th instant this office received the memorial of Li, viceroy, member of the grand council and special envoy, reporting the settlement of the Yunnan case, and convention agreed upon with Sir Thomas Wade, the British minister, together with the imperial approval, as follows: "Let it be carried into effect as planned. Respect this."

This office has already transcribed the imperial edict and forwarded it for your excellency's information, as also a copy of the several articles of the convention. The convention contains the following language:

"With reference to the area within which, according to the treaties in force, *likin* ought not to be collected on foreign goods at the open ports, Sir Thomas Wade agrees to move his government to allow the ground rented by foreigners (the so-called concessions) at the different ports to be regarded as the area of the exemption from *likin*," &c.

It is further stated that—

"On opium Sir Thomas Wade will move his government to sanction an arrangement different from that affecting other imports. British merchants, when opium is brought into a port, will be obliged to have it taken cognizance of by the customs, and deposited in bond, either in a warehouse or a receiving-hulk, until such time as there is a sale for it. The importer will then pay the tariff duty upon it, and the purchasers the *likin*, in order to the prevention of evasion of duty. The amount of *likin* to be collected will be decided by the different provincial governments according to the circumstances of each."

The Government of China heretofore, because of military necessities, has levied a *likin* tax, both in the interior and at the treaty ports, levying this *likin* upon country products as well as upon foreign goods which had not paid the half-duty extra. But foreign merchants have asserted that foreign merchandise, having paid regular duty, is not subject to the *likin* prior to its having been entered for transit-duty. This divergence of opinion has been the subject of repeated discussion. A convention having been agreed to, Sir Thomas Wade has consented to request his government to address the various powers with a view to securing their assent to the establishment of port limits, within which foreign merchandise shall be free from *likin*, with the desire to avoid future differences of opinion.

In regard to opium, it is agreed to establish a special procedure by which both the regular tax and the *likin* shall be collected in new Yaméns. (?) Further, the amount of regular tax and *likin* to be collected is to be made a matter for consideration by the several provincial authorities as a matter of grave importance. (Prior to the establishment of this new rule the old procedure will continue in force.) But the establishment of the port limits for the protection of foreign merchandise from the *likin*, and the special procedure for the levy of regular duty and *likin* upon opium, these two articles it is distinctly agreed shall await the correspondence between Great Britain and other powers, when a day shall be fixed for their taking effect.



It becomes our duty to address your excellency in regard to these two articles, with the request that you shall consult with the several ministers, and will further address your government, requesting its opinion and decision. When the several powers shall have come to a satisfactory decision, your excellency will please address this office. That conference and agreement may be had.

Peking, September 23, 1876.

To GEORGE F. SEWARD, Esq., &c.

[Inclosure 6 in No. 134.]

*Mr. Seward to the Foreign Office.*

The undersigned has the honor to acknowledge receipt of your imperial highness and your excellencies' dispatches of the 26th and 28th September, in which, referring to several clauses of the agreement signed at Chefoo by the plenipotentiaries of China and Great Britain, you wrote me, as well as my colleagues, the representatives of the foreign powers, to consider conjointly the questions referred to, and to inform you of the results of our deliberations.

While thanking your imperial highness and your excellencies for the above communications, I beg leave to inform you that it is in my opinion advisable, as it would be also conformable with the established custom of diplomatic intercourse, that we should, first of all, consider and decide what questions require a settlement and are to be brought under discussion.

I have consulted with my colleagues on this point, and, as a complete understanding exists between us regarding this way of procedure, I beg leave to inform your imperial highness and your excellencies that I shall be ready, whenever you may find it convenient, to confer with you in view of the object above stated, and, having once determined the points to be discussed, to come with you to an understanding on the various questions that may become the subject of our deliberations.

In regard, however, to *likin* taxes and proposed reference to the several governments, I must at once remark that negotiations should be pursued in the usual manner, and that, pending the result, I cannot consent to the abridgment of existing treaty stipulations.

I take this occasion to renew to your imperial highness and your excellencies the expression of my consideration.

Legation of the United States, Peking, October 2, 1876.

GEORGE F. SEWARD,  
*Minister Plenipotentiary of the United States.*

[Inclosure 7 in No. 134.]

PEKING, September 30, 1876.

*Monsieur le Ministre et cher Collègue:*

I found on my return to Peking last week that the Chinese text of the agreement between the grand secretary, Li Hung Chang, and myself, signed at Chefoo, on the 13th instant, had already been communicated to the representatives of the treaty powers, and that copies had been also forwarded to the provincial governments. As I had the honor to state to such of my colleagues as are within reach, the English text is being printed at Shanghai, and as soon as I receive it in this form it is my purpose similarly to communicate copies to all.

Before signing the agreement, I declared my readiness, if, on my arrival here, the memorials and decrees referred to in the agreement should be immediately published and the circulars for the expedition of which the agreement further stipulated were immediately written, to telegraph to my government that I had taken upon me to close the Yunnan case. The engagements above referred to having been so far satisfied, I beg to acquaint you, M. le Ministre, that I have this day informed Prince Kung that I have sent the promised message to my government.

I avail myself of this opportunity, &c., &c.

THOMAS FRANCIS WADE.

No. 58.

*Mr. Seward to Mr. Fish.*

No. 151.]

UNITED STATES LEGATION,  
Peking, October 30, 1876. (Received Jan. 3, 1877.)

SIR: During the time that I spent at Chefoo last summer the port was visited by the English, French, and German admirals. Great pains

were taken by them to exhibit their vessels to the viceroy and grand secretary, Li Hung Chang. He showed much interest in what he saw. This was natural, as he has had a great deal of experience in military and naval matters, is especially charged with the control of the arsenals of China, and all the several flag-ships were excellent vessels, those of the English and French admirals being iron-clads. I could not but feel during this time that our prestige as a naval power was likely to suffer in his eyes. Our admiral was not present, and our one ship in harbor was of indifferent merit. Under these circumstances and for other reasons, I felt disposed to point out to the viceroy that our scheme of naval organization differs from that of France and England, not because we have less enterprise or knowledge, but because our position and wants are different. As a power of great territorial extent, with no distant dependencies and few occasions to anticipate a foreign war, we are content to provide thoroughly for the defense of our coast, and indisposed to expend large sums for the purchase of expensive iron-clad cruising ships. As it happened, the commander of the vessel of our Navy then present in Chefoo was Captain Matthews, who for a long time was in charge of our torpedo school at Newport. I presented him to the viceroy, and the result was a long conversation between them, which led the viceroy to ask him to visit Tien-Tsin. I communicated this invitation to Admiral Reynolds unofficially, and he at once gave the necessary orders to admit of its acceptance. I am now in receipt of a letter from Mr. Vice-Consul Pethick, in which he states that the viceroy has apparently taken up largely the views which Captain Matthews has presented to him, and has gone so far as to intimate a hope that he may be willing to enter the Chinese service.

You will be aware from my previous dispatches that I recognized fully the facts that the efforts of the Chinese to improve their military power are costing them dearly, and that they are not showing an equal disposition toward the improvement of other branches of their administration. It will not be wise, however, to hold away from them for this reason. They learn but slowly, and one thing at a time; yet every step taken brings them nearer to a right conception of the duty of government. If they build ships now for purposes of defense, they will the sooner promote the building of those intended for commercial uses. If they establish arsenals for the manufacture of implements of war, they will the sooner favor the manufacture of plows, seed-drills, and reaping-machines. It is, moreover, not the part of kindness to stand by while they waste money in unnecessary or extravagant expenditures for military purposes, when we can show them economical ways of accomplishing the same results. It is said that the viceroy has been charged with the general supervision of coast defenses, and that a sum of about six millions of dollars has been appropriated for immediate wants. This amount judiciously expended would do a great deal. If put into iron-clad cruisers like the English flag-ship *Audacious*, it would bring them further expense and do them the least possible good.

About thirty advanced pupils from the schools established under the charge of Mr. Giquel, an officer of the French navy, are about to be sent to England and France to complete their scientific and military education.

Mr. Giquel will be stationed in Europe and have a general supervision of their studies. He has been pressing the viceroy to order iron-clads; but I do not think it likely that he will be successful, although he is an officer of decided ability, and has done a great deal for the Chinese in

military and other directions. I cannot regret his failure in the given instance.

I shall hope that the course which I have taken, as indicated in this dispatch, will meet your approval.

I have, &c.,

GEORGE F. SEWARD.

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No. 59.

*Mr. Seward to Mr. Fish.*

No. 163.]

UNITED STATES LEGATION,  
Peking, November 17, 1876. (Received Jan. 3, 1877.)

SIR: It may be interesting for you to read the inclosed translation of an imperial decree confirming a sentence of death upon two officials who have been guilty of falsifying accounts to the extent of 49,000 taels, or about \$65,000, and directing the board of punishments to determine what penalty shall be inflicted upon certain high officials "for their failure to discover that these frauds were being perpetrated."

I have, &c.,

GEORGE F. SEWARD.

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[Inclosure.]

*Printed translation of an imperial decree.*

OCTOBER 14.—A decree in answer to a memorial from the acting governor-general of Min-Chêh and Ting-Jih-ch'ang, governor of Fuhkien, with reference to embezzlements that had been practiced by certain officials employed in purchasing munitions of war. It is found that the expectant department magistrate, Shên Ch'un, and the expectant sub-prefect, Wên Shao-yung, have been guilty of falsifying the accounts of purchases made by them to the extent, in the one case, of 21,000 taels, and in the other to that of 28,000 taels, over and above the proper sum. For conduct so illegal and corrupt a rigorous punishment must needs be awarded. It is decreed, in conformity with the sentence proposed, that Shên Ch'un and Wên Shao-yung do suffer death by decapitation, after imprisonment to await the period of revision. Proceedings are further to be taken to enforce the restitution of the sums embezzled, report being made to the throne at the expiry of the period allowed for the recovery of the money, declaring whether payment in full has been effected. As regards the sub-prefect, Chow-Sing-i, who alleges in his statement that he was not in anywise implicated in the embezzlement perpetrated, it was nevertheless due to his failure to apply a proper scrutiny in the arrangements for the purchase of certain vessels that so great a loss as one hundred thousand dollars was entailed.

Confirmation is awarded to the sentence propounded in his case, viz, that he be required to make good the amount in full and be transported to penal servitude on the Mongolian post-roads, there to redeem by his exertions the offense he has committed. For their failure to discover that these frauds were being perpetrated, we command that the following officials be handed over to the board for the determination of a penalty, viz: Li Ho-nien, ex-governor-general of Min-Chêh; Pao-hêng, financial commissioner and president of the military board in Fuhkien; Lu-Shih-kieh, salt commissioner; Yeh-Yung-Yuan, grain commissioner; Wên-ki, ex-salt commissioner, and Ow-T'ien-min, ex-grain commissioner. As the offenses in question did not occur during Ting Jih-chang's term of office, no punishment need be visited upon him, his request to the contrary notwithstanding.

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No. 60.

*Mr. Seward to Mr. Fish.*

No. 172.]

UNITED STATES LEGATION,  
Peking, November 29, 1876. (Received February 8, 1877.)

SIR: I have the honor to transmit to you herewith a copy of articles

made between Mr. Mayers, Chinese secretary of the British legation, and delegates of the Chinese Government, in regard to the Woosung Railway. By these articles the Chinese agree to take over the line at a price to be named by arbitrators. The concluding payment will be made at the end of a year from the date of the agreement, and meanwhile the company will operate the road. This result will be an eminently satisfactory one, if the Chinese will work the road after they come into possession of it.

You are aware that my conception of the policy to pursue in regard to the line has been to represent to the Chinese the usefulness of railroads, the insignificance of this particular road, and the unwisdom of declaring to the world a disposition to look unfavorably upon an enterprise of the sort. I have never held that the foreigners concerned had the right to undertake the enterprise.

I propose now to use such exertions as may be appropriate to induce the government to operate the line, or to let their countrymen operate it, after they come into possession. I think that my colleagues will do the same.

I have, &c.,

GEORGE F. SEWARD.

[Inclosure.]

*Articles of agreement relating to the Woosung Railway.*

The undersigned, William Frederick Mayers, Chinese secretary of Her Britannic Majesty's legation at Peking, on the one part, and Fêng, intendant of the Su-Sung T'ai circuit, superintendent of customs at Shanghai; Chu, invested by brevet with the third official rank, an expectant Tao-t'ai on the staff of the province of Hupeh; and Shêng, invested by brevet with the title of financial commissioner, an expectant Tao-t'ai on the immediate list for appointment in the province of Chibli, on the other part, have agreed to the following articles with reference to the line of railway between Shanghai and Woosung:

The text of the present agreement having been compared and found correct, the course of procedure to be pursued is now set forth in the following articles:

I. Whereas in the matter of the railway, in the personal conference held at Chefoo, between the high commissioner Li and the British minister Sir Thomas Wade, on the subject of securing the Chinese rights of sovereignty, it was mutually arranged that (the undersigned) Chu, Tao-t'ai, and (the undersigned) Shêng, Tao-t'ai, should be appointed to act in conjunction with (the undersigned) W. F. Mayers, Chinese secretary, (of Her Britannic Majesty's legation,) for the purpose of arranging, in conference with (the undersigned) Tao-t'ai of Shanghai, the terms of an agreement in the nature of a compromise; the following articles have now been agreed to by mutual consent, in the city of Nanking, and have been submitted to and approved by the minister superintendent of the Southern ports.

In testimony whereof the said articles have been signed in duplicate, one copy to be retained on either side; the same to be submitted on the one hand by (the undersigned) Tao-t'ai of Shanghai, &c., to the minister-superintendent of the Northern ports, and the governor of the province of Kiangsu, for their approval; and, on the other, by (the undersigned) W. F. Mayers to Sir Thomas Wade, for approval on his part.

II. It is arranged that the railway shall become the property of the Chinese Government by absolute purchase; and, that after the land taken up, the permanent way, rolling-stock, machinery, and other material appertaining thereunto shall have, by this means, passed into the possession of the Chinese Government, the foreign mercantile company, under whose management the railway has heretofore been conducted, shall cease from further interest or liability in respect of the same.

III. The amount which shall be paid for the land, permanent way, rolling-stock, machinery, stations, and all other claims whatsoever, shall be ascertained by an investigation of accounts in detail, for which purpose Her Britannic Majesty's consul and the Tao-t'ai of Shanghai shall each nominate two merchants of proper standing and respectability, and the amount thus ascertained shall be paid by the Chinese Government, no unfair advantage being taken on either side. It is at the same time provided that due

allowance shall be made for depreciation according to the usage of public companies in England, in consequence of the active working of the line for the period of one year.

IV. The purchase-money shall be paid in three installments, one third to be paid as soon as the total amount payable shall have been ascertained, whereupon the title-deeds for land now held by the railway company shall be given up and lodged in the hands of the Tao-t'ai of Shanghai,\* one-third at the expiry of six months from the first payment, and the remaining third at the expiry of one year from the first aforesaid date, the Tao-t'ai of Shanghai giving notice officially to Her Britannic Majesty's consul to require the said company to take the necessary steps for receiving payment.

V. At the expiry of the twelve months commencing with the 15th day of the ninth moon of the second year of Kuang-sü, (corresponding to the 31st October, 1876,) to wit, on the 15th day of the ninth moon of the third year of Kuang-sü, (corresponding to the 21st October, 1877,) the aforesaid purchase having been completed by the Chinese Government, and all amounts due on account of the purchase-money having been paid in full, a due account shall be taken of the land, permanent way, rolling-stock, and other appurtenances of the railway, and the same shall be handed over to the care and control of the Chinese Government, at whose option it shall be, exclusively, to continue or desist from the working of the line, without claim to interference on the part of the foreign company heretofore concerned in the same. The purchase-money not being paid in full by the Chinese Government, until the expiry of the period of one year, the aforesaid company shall be free, for the space of one year from the 31st October, 1876, to conduct the working of the line without pecuniary interest or liability in respect of the same on the part of the Chinese Government. All regulations required to insure protection shall be devised in concert, between Her Britannic Majesty's consul and the Tao-t'ai of Shanghai, and when drawn up, and agreed upon, shall be implicitly obeyed.

VI. During the period of one year for which, pending the completion of the payment due on the part of the Chinese Government, the company aforesaid is at liberty to retain in its own hands the management of the railway line now completed between Woosung and Shanghai, extending to a distance of about thirty li (ten miles) from point to point, the said company shall be authorized to run trains for the conveyance of passengers only, but it is forbidden to infringe upon the customs regulations, or to acquire additional land for further extension of the line of railway.

VII. An amount of compensation shall be agreed upon, as may be found suitable, and paid on account of the individual who was recently run over and killed by an engine on the line.

VIII. The general outline of the terms of arrangement being now fixed, and admitting of no further modification, all correspondence on the subject that may heretofore have passed between the Tao-t'ai at Shanghai and Her Britannic Majesty's consul shall be canceled on either side and no further contention shall take place with regard to the same.

IX. The course of action herein agreed to proceeds from the feelings of amity and good will which prevail between the governments (of the undersigned respectively) for the purpose of securing against infringement the sovereign rights of the Government of China, and with the view of equally insuring a benefit to the Chinese Government and freedom from loss to the foreign merchants, to which end the Chinese Government has agreed, as a special concession, to buy up the line of railway. In any future case in which it may be desired to construct a railway, or other similar works application shall, in the first instance, be made for the sanction of the Chinese Government, and the present arrangement shall not be construed into a precedent.

X. Account shall be taken of the terms of the contract entered into in England with the skilled artificers employed on the railway line and with Mr. George Morrison, the superintending engineer, and the conditions of their respective engagements shall be fulfilled in good faith by the payment of whatever salaries or wages may be found to be due after the completion of the purchase of the line, the individuals in question being either retained in service or sent back to England, as may be determined; the said individuals, if retained in the employ of the Chinese Government, obeying its directions in all respects, and undertaking nothing without due authority.

Agreed to and signed at Nanking, and to be authenticated under seal on the return of the undersigned to Shanghai, this eighth day of the ninth moon of the second year of the reign of Kuang-sü, corresponding to the 24th day of October, in the year 1876.

FÈNG.  
CHU.  
SHÈNG.  
W. F. MAYERS.

\* It is separately agreed that instead of being deposited with the Tao-t'ai of Shanghai the title-deeds in question shall be lodged provisionally in the hands of Her Britannic Majesty's consul until the purchase shall be complete.

*Mr. Seward to Mr. Fish.*

No. 181.]

UNITED STATES LEGATION,  
Peking, December 13, 1876. (Received February 8, 1877.)

SIR: The inclosed regulations for the diplomatic and consular service of China have been printed in a Chinese newspaper at Shanghai, which is believed to be an official organ and may be considered authentic.

You will notice that the ministers sent abroad by China will be commissioned for three years only, and that they will nominate their secretaries and the consuls who will be accredited to the same countries. In making these arrangements, the government follows closely the system pursued at home, under which officers are not allowed, as a rule, to serve at one place more than three years, and are given a considerable voice in the appointment of their subordinates.

I have, &c.,

GEORGE F. SEWARD.

[Inclosure.]

The *Sin-pao* of the 16th instant contains a code of regulations, twelve in number, for the guidance of envoys to foreign countries, stated to have been submitted in a memorial to the throne by the Tsung-li Yamên, and to have received the imperial sanction. The following is a translation:

*Code of regulations for the guidance of Chinese envoys.*

1. It is proposed that the board of rites shall cause an official seal of copper to be cast, one of which shall be issued to each envoy accredited to a foreign country, as an evidence of good faith. The inscription to be as follows:

"Official seal of the high officer, envoy by imperial appointment of the Chinese government."

Pending the issue of this seal a wooden one shall be engraved for temporary use.

2. The period of service for an envoy to a foreign country shall be three years, to commence from the date of his arrival in the country to which he is accredited. Before this term has expired the Tsung-li Yamên shall request His Majesty to appoint high officers to succeed him. The same rule shall be followed in the case of assistant envoys.

3. Envoys to foreign countries shall receive the title of officers of the first, second, or third class. The institution being now in process of inauguration, it is proposed that all envoys at present appointed to foreign countries shall be temporarily invested with the title of second class.

4. The number of secretaries (*ts'an-tsan*) consuls, interpreters, and others, attached to each mission, shall be determined by the envoy at the head of that mission, who will draw up a list of their names, with other particulars, for the information and approval of the Tsung-li Yamên. These officers will accompany the envoys abroad, and in like manner with them will serve for a period of three years, at the end of which time they will be recommended to the throne for honorary distinction. If any of their number show themselves worthy to be retained, the successor of the envoy shall, if he see fit, retain them. If, however, they show themselves incompetent, they shall, in like manner with the envoys, be periodically recalled.

5. After the arrival of envoys in the countries to which they are accredited, they shall memorialize the throne direct on matters of pressing importance as they arise; but in all cases of an ordinary nature they shall communicate with the Tsung-li Yamên either by note or officially, and the Tsung-li Yamên will embody the subject of their correspondence in a memorial to the throne.

6. In the case of an envoy being accredited to several countries at once, it will be the duty of that envoy to determine on the place at which he will reside, and report to the Yamên for their information and approval.

7. It is requested that the monthly salary and allowances granted to envoys shall be fixed at rates proportionate to the grades of the officers now in actual employment. It was, however, originally proposed that officers of the second and third grades occupying the post of envoy of the second class should receive 1,200 taels; that officers of the third and fourth rank occupying the post of envoy of the third class should

receive the third rank, 1,000 taels; and the fourth rank, 800 taels. No provision has as yet been made for the case of officers of the fourth rank, occupying the post of envoy of the second class, but it is now arranged that these shall receive 1,000 taels per mensem. Assistant envoys shall receive 700 taels per mensem.

8. The monthly salary and allowances of envoys who are accredited to more than one country shall not be augmented in consequence; the same rule shall be followed in the case of assistant envoys.

9. Envoys, assistant envoys, and the various officers below them, shall receive salary and allowances at the rate to which they are entitled from the date of their arrival in the country to which they are accredited, for a full period of three years, at the expiration of which time their salary will cease. If an envoy's successor is not able to arrive (at his due date) and the envoy whose time has expired has not given over charge, he will receive salary at the same rate as while in office, but it will not be issued to him after the arrival of the high officer who is to succeed him. The same rule will be followed in the case of assistant envoys and all officers below them. When secretaries, consuls, interpreters, or others, are retained by the envoy's successor, salary will continue to be issued to them from the date of the expiry of their (three) years' term of service.

10. Envoys, assistant envoys, and the various officers below them, will have to provide their own outfit, whether on leaving China or returning from the place to which they are appointed. It is proposed that each officer shall receive a sum of money equivalent to three months' pay to meet the expenses of outfit for his journey to and fro. All these amounts are to be provided by the Tsung-li Yamèn out of the 60 per cent. allotment of the foreign customs dues.

11. Envoys to foreign countries will send in annually a detailed statement of salaries, traveling expenses outward and homeward, house-rent in the countries to which they are severally accredited, and all expenses whatsoever incurred by them, to the Tsung-li Yamèn for inspection and approval.

12. The Shanghai customs shall prepare an account of all salaries of envoys or other members of missions, traveling expenses outward and homeward, house-rent, and all other expenses whatsoever incurred by them, and shall yearly remit the same. The Tsung-li Yamèn will instruct the inspector-general of foreign customs to take steps for the due remission of these sums to their various destinations.

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No. 62.

*Mr. Fish to Mr. Seward.*

No. 95.]

DEPARTMENT OF STATE,  
Washington, December 19, 1876.

SIR: I have to acknowledge the receipt of your very interesting dispatch, No. 134, dated 3d October last, relating to the agreement entered into on the 13th of September, between the plenipotentiaries of Great Britain and China, in settlement of the Yunnan affair.

It appears that by the terms of the agreement certain questions were to be submitted by the foreign office to the different legations for their consideration. These questions are submitted in the notes from the foreign office to you, and relate to: First, judicial matters; second, the audience question, and, third, the *likin* taxes.

The views of the Department in relation to judicial matters are substantially in accord with the terms of the Yunnan agreement, as expressed to you by the foreign office, viz, "that if possible a single course of procedure shall be determined on for all international cases." In the discussion of this subject it would be well to consider the advisability of establishing mixed courts as a means for the accomplishment of the proposed reform. This point is merely suggested for your consideration in connection with other plans that will doubtless be proposed by your colleagues.

It is hoped that the present movement may lead to the adoption of

measures tending to the more effective administration of justice in mixed cases in China.

In relation to the questions of audience and etiquette, it does not appear necessary to add anything to the instructions heretofore given by the Department to the legation in China. The note of the foreign office to you evinces a desire on the part of the Chinese Government to have this question settled. The fact alluded to in the note, that China is about to establish missions and consulates abroad, renders an understanding on these points essential to China.

In relation to the *likin* taxes, the stipulations of the British treaties of 1842 and 1858, and of the French treaty of 1858, with China, are believed to be explicit in regard to the taxes that may be levied by the Chinese Government on foreign goods, and any additional taxes levied by the Chinese authorities would seem to be in contravention of treaty stipulations. Your course in advising the foreign office that, pending the result of the negotiations on this subject, you could not consent to the abridgment of existing treaty stipulations, is approved.

I confine myself to the general indication of the views of the government in relation to the questions submitted. It is not deemed advisable to hamper you with instructions that may prevent your full and free co-operation with your colleagues.

All the treaty powers are equally interested in the just settlement of those questions, and it is hoped that good feeling and as perfect accord as is possible will characterize the conferences of the representatives of the treaty powers.

You will report from time to time the progress made in the negotiations.

I am, &c.,

HAMILTON FISH.

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No. 63.

*Mr. Seward to Mr. Fish.*

No. 200.]

UNITED STATES LEGATION,  
Peking, January 23, 1877. (Received March 27.)

SIR: Recalling your attention to my dispatch number 23, of February 29, 1876, in which I stated that a new departure had been taken by the Chinese Government in respect to intercourse between foreign representatives at Peking and the heads of the central government, and with which I forwarded a private note from Mr. Holcombe relating to the circumstances of his New Year's call upon Prince Kung, and giving a list of the high officials whom he met upon that occasion, I have now the honor to state that a further step in the direction of mutual acquaintance and social intercourse has recently been taken by the government, in connection with the calls made, at the foreign New Year, by the prince and ministers of the foreign office upon the several representatives of Western powers.

It will be remembered that the Chinese contented themselves last year with introducing the heads of boards and departments, or so many of them as were willing to be introduced, to the representatives; that afterward the Chinese officials so introduced left their cards at the several



legations ; and that the ministers, in returning these calls, were forced to content themselves with leaving their cards, as they were in no case received by the Chinese officials.

In naming a day on which to make their calls of congratulation this year, Prince Kung and the members of the foreign office stated that they would be accompanied by the heads of boards and departments, and, accordingly, upon the days named, the 8th, 9th, and 10th instant, thirty-three high officials, besides the members of the foreign office, called upon my colleagues and myself. I inclose a list of those who called for the first time this year.

It is understood that these calls are to be returned at the foreign office at the Chinese New Year, which will occur on the 13th proximo.

I regard this as a satisfactory step on the part of this government.

I have, &c.,

GEORGE F. SEWARD.

[Inclosure.]

MEMORANDUM.

*List of members of boards and departments who for the first time accompanied the prince and ministers of the foreign office on their New Year's call upon Mr. Seward, January 8, 9, and 10, 1877.*

Yin Chao-yung, (Chinese.)—Expounder of the classics before His Majesty, senior vice-president of the board of revenue, supervisor of the treasury, imperial librarian, imperial historian, inspector of the imperial granaries.

Kung Lu (Manchu.)—Wearing the button of the first rank, senior vice-president of the board of revenue, supervisor of the treasury, inspector of the Ching Chieh, Chien Ruel, and Shen Chi Camps, and of the summer palace, comptroller of the household office, lieutenant-general of the Manchu clan having the bordered yellow banner, general of the imperial guard, and senior lieutenant-commander of the capital.

Wan Ching Li, (Chinese.)—Expounder of the classics to His Majesty, president of the board of rites, and superintendent of the prefectural district at the capital.

Chûan Ching.—Junior vice-president of the board of rites.

Wula-si Chungah, (Mongol.)—Junior vice-president of the board of war, and lieutenant-general of the Chinese clan with the bordered blue flag.

Sang Chûn Kung, (Chinese.)—Expounder of the classics, and president of the board of punishments.

Chien Pao Lien, (Chinese.)—Junior vice-president of the board of punishments.

Kuei Ling.—Wearing decoration of the first class, president of the board of works, general of the Chinese clan of the bordered red flag, comptroller of the hall of audience of the board of medicine, and of the correspondence with the four outlying states, comptroller of the household office and of board of music.

Kuei Chûan, (Manchu.)—Senior vice-president of the colonial office.

Ho Shon Tze, (Chinese.)—Senior president of the censorate and supervisor of the treasury.

Kuei Jun, (Manchu.)—Senior vice-president of the censorate.

Chang Hsi, (Manchu.)—Secretary of the privy council, with the title of junior vice-president of board of rites, acting senior vice-president board of war.

No. 64.

*Mr. Seward to Mr. Fish.*

No. 202.]

UNITED STATES LEGATION,  
Peking, January 30, 1877. (Received April 30.)

SIR: By the last courier from Shanghai, I have learned that Messrs. Russell & Co. have agreed, subject to the approval of the shareholders,

ers, to sell to the Chinese Merchants' Company the vessels and other property of the Shanghai Steam Navigation Company. They are to receive two millions of taels, one-half of which sum is to be paid before the 31st of March, and the balance in quarterly installments of fifty thousand taels, with interest at 8 per cent.

You are aware that the proprietors of the Shanghai Steam Navigation Company have had occasion, since the initiation of the enterprise in steam navigation of the Chinese company, to fear the result.

So long ago as June, 1875, Mr. Avery reported to you a representation which Messrs. Russell & Co. had made to him in regard to the threatened dangers to their interests. Their statement was, briefly, that the government had agreed to give to the native company certain rice-freights between Shanghai and the Yang-tze ports and Tientsin at rates more than twice as high as those which they would have to pay in the open market, and to grant a rebate of duties on other goods carried by the same vessels to a certain proportion of their whole lading. Mr. Avery, as you will remember, asked the ministers of the foreign office whether this information was correct. They responded promptly that it was. He then asked whether they would be prepared to consider an offer on the part of foreign owners to transport their rice at less than half the rates granted to the Chinese company. They responded with equal promptness, that if their vessels were able to transport the cargo, there would be no occasion for them to seek transportation elsewhere.

Mr. Avery was so kind as to inform me of the result of his interview with the foreign office. I was at once confirmed in my opinion that the government had determined to give support to the native company. This was to be expected, indeed, as it had been formed, as was well known, at the suggestion of the viceroy, Li Hung Chang, in pursuance of his policy to break down foreign interests in China by using foreign means and appliances and with the assurance of abundant support by the government. Messrs. Russell & Co. were, of course, informed of the manner in which Mr. Avery's representations were met, and were not reassured by it.

In November, 1875, the Chinese company had a nominal capital of one million taels, say one million three-hundred thousand Mexican dollars, of which three-quarters had been paid up. At about this date, at the instance of their patron, Li Hung Chang, they were encouraged by the government to extend their operations. They were intended, in fact, to become a national training-school for masters, officers, and engineers, to be employed in all directions possible by the government, and especially to carry out the policy of breaking down foreign navigation interests in the waters of the empire.

You are aware that when the government were considering last year the opening of more ports, they made fewer difficulties than were expected. It is probable that they expected that their own vessels would reap the chief advantages. At any rate, from the moment when it was decided at Chefoo, in September, to yield the ports to Sir Thomas Wade, in connection with the Yunnan negotiation, greater efforts than ever were put forward on behalf of the company by their managers and their patron, the viceroy, to extend their operations. Mr. Long King-Sing, an accomplished Chinese, and the leading spirit in the company, came here armed with letters from the viceroy, and the result was that the government authorized an advance to the company of a sum of one and a

third millions of taels, to be paid by the foreign customs of the various open ports, as follows:

	Tael.
Tientsin .....	150,000
Chefoo .....	100,000
Hankow .....	150,000
Newchwang .....	100,000
Kiukiang .....	100,000
Shanghai .....	200,000
Canton .....	200,000
Foochow .....	150,000
Amoy .....	50,000
Swatow .....	50,000
Ningpo .....	50,000
Say .....	1,300,000

Mr. Long King-Sing left here in the latter part of November, and about the 1st of January the purchase of the American company had been completed, and a portion of the money received from the government paid into the hands of the agents for the shareholders.

That the shareholders of our company are to be congratulated on their escape from a dangerous situation, and on the manner of their escape, is not to be doubted. The stock consists of 22,500 shares, of 100 taels each. It has been selling of late at 60-66. They receive two millions of taels and retain their reserve fund and balances, making in all two millions four hundred thousand taels, an outturn of 103 taels to the share, or nearly 56 per cent. over their market-value.

The American company disappears, then, from the waters of China, where it has had a long, successful, and honorable career, which has reflected credit on its management, brought large dividends to shareholders, and given to our flag a prominence which it will never regain perhaps in this part of the world.

The operations of the Chinese company have been mainly between Shanghai and the north. They have, however, lately added to their Yang-tze fleet two powerful side-wheel vessels, built to their order in Scotland after an American model. They have had other ships running to southern ports, and occasionally to Japan. The trade between Shanghai and the south is largely conducted by vessels making voyages between Europe and Shanghai, which fill up with the local freights. Only a limited business is done by locally-employed ships.

On the Yang-tze an English company has four fine vessels of the American model. Another English company has four vessels running north. It will be interesting to see what will be the result upon these of the competition of the Chinese company, reenforced as it will now be by the eighteen or twenty ships of the former American line. This will depend entirely upon the disposition of the Chinese company and its further support. If they choose to break down all opposition, and their support is continued and increased, as it may be, they can do so. This will probably be the programme. But they may prefer, having now an assured position, to carry on their enterprise in a liberal spirit, thus ensuring dividends to their shareholders and allowing foreign interests to do the same for theirs.

I think now, as I always have thought, that foreigners can manage great enterprises of any kind far more efficiently and economically than can the Chinese of the present day. Our ability to organize and to carry

forward great undertakings is due to certain aptitudes which we exhibit in these directions in a far more marked way than has been done in Asia, to the experience which we have gained, to our legislation, which serves to protect all interests concerned, and to the superior honesty which characterizes all classes in our society.

I feel sure, therefore, that in open competition the Chinese could not have forced us to withdraw from the control of the navigation interests of their coast for a long time to come. But I cannot say that I feel sure that their ability, with government aid, to crush us out indicates perfectly that they will be able to manage their enterprise in a way which will be entirely satisfactory to their shareholders and the public.

If the Chinese enterprise were one of spontaneous development, and owed its success to the mercantile aptitudes of the Chinese people, we might feel more content, having a hope that the reprisal of the spirit of enterprise would bring about soon the normal development of their immense resources, to the great advantage of this people and the world. There is, however, enough in the circumstances to assure us that the forces of a higher civilization are at work here in an effective way. If the Chinese can satisfy the demands which these forces are making upon them, they will be allowed to do so in their own way. But defended, as our intercourse is, by treaty stipulations of an extraordinary sort, the foreigner has opportunities here which he will avail of whenever the Chinese in any way fail to do their part.

It would seem, therefore, that China can take no steps backward.

I have, &c,

GEORGE F. SEWARD.

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No. 65.

*Mr. Seward to Mr. Fish.*

No. 217.]

LEGATION OF THE UNITED STATES,  
*Peking, March 13, 1877. (Received May 9.)*

SIR: Soon after my arrival in Peking last year, I asked Dr. Martin, of the Tung Wen Kwan, or Imperial College, for a statement of the scope of the institution and its present condition. He has lately handed to me the paper requested, and I now transmit it to you herewith. It is very brief, yet complete, and exhibits in an interesting way one phase of the results which are being worked out in this vast empire as a consequence of the presence of foreigners.

I have every reason to believe that the most influential men of this government are deeply interested in the college, and that they appreciate the efforts of Dr. Martin and his associates more perfectly than ever before. It is not too much to say that the statesmen of China now recognize the fact that this country is far behind those of the West in the arts and sciences. This has been apparent since the war of 1859-'60, more particularly in military matters and in the more directly useful sciences. They thought at first that it would be enough for them to use foreign appliances, either those purchased abroad or those constructed here after foreign models, but they are gradually learning that there can be no satisfactory development which is not founded upon education and the diffusion of knowledge. So we have their first poor beginnings, the educational mission to the United States, important enough in itself, yet

too little for a great empire in the condition of this one, and this high school of which I am writing.

But they are beginnings, and there is that in the forces of civilization which will realize them and make them "the beginning of a time."

I have, &c.,

GEORGE F. SEWARD.

[Inclosure.]

*Mr. Martin to Mr. Seward.*

PEKING, February 5, 1877.

DEAR SIR: Some months ago you did me the honor to ask for a few facts relating to the present state of the Tung Wen College.

The tardiness of my response you will no doubt excuse when I assure you that it has been occasioned by a desire on my part to wait until certain measures under consideration should take their place in the category of facts.

This they have now done, and as you read them (under the head of recent developments) you will, I think, agree with me that they are auspices of progress in a wider sphere than that which the college is usually considered to occupy.

The operations of this institution are restricted to a comparatively small scale, because the demand for what we may call the new education is as yet very limited, but its location gives it importance, and its influence is evidently on the increase.

#### 1. STUDENTS.

We have on our rolls 101 names, distributed as follows:

In the English school .....	38
In the French school .....	28
In the German school .....	17
In the Russian school .....	10
Not studying foreign languages .....	14

Of these, fifty-six are in the scientific department, and divided between the classes of mathematics, physics, chemistry, and political science, most of them making use of text-books in foreign languages. The standing of these last in Chinese scholarship is also respectable, as evinced by the fact that more than twenty of them have been admitted to compete for the higher degrees in the examinations for the civil service, and that three of them have won the second degree, and one has taken the honors of the third or highest of the general grades.

#### 2. PROFESSORS.

We have ten professors, of whom six are foreigners and four Chinese; and when our corps of instruction is completed by the filling of a chair now vacant, we shall have eleven.

To these are to be added three regular tutors, all Chinese.

#### 3. WORK OF THE COLLEGE.

Besides the giving and receiving of instruction, which naturally constitutes the chief work of a school, our professors are largely employed in the preparation of books, in which they are aided by our more advanced students. Works on physics, chemistry, and diplomacy, (translated mostly from foreign text,) thus prepared, have been published under the auspices of the college, and the French code, a Universal History, Woolsey's International Law, and other books are now in process of translation.

#### 4. PRINTING-PRESS.

We have within our grounds a printing-office, which goes by the name of the "College Press," with fonts of type both Chinese and Roman, and six hand-presses. While doing official work under the direction of the foreign office, this establishment is designed in part for the printing of translations made by our professors and students.

Besides the books above named, it has recently issued a reprint of an old work on

mathematics; and is now engaged in printing autographic poems of the Emperors of the Tatsing dynasty.

#### 5. DESTINATION OF OUR STUDENTS.

Our students are all regarded as in preparation for the government service, and are supported at the expense of the government, somewhat as the cadets in American military schools. It is only lately, however, that they have begun to be drafted away for official employment. One of them has been sent to the province of Hunan as examiner for mathematics; the opening of such examinations, in the provinces, being of itself a very significant fact.

Two of them have gone as interpreters with the embassy to England; two have been named for America; and others will be connected with the consular service, or attached to the legations soon to be established in the various European capitals.

The establishment of these two services opens to an honorable career, of which, until lately, they had no prospect, and our young institution accordingly feels the influence of this movement as a garden feels the breath of spring.

#### 6. RECENT DEVELOPMENTS.

1. Steps have been taken to fill our vacant chair of astronomy by the appointment of Professor Mark Harrington, of Michigan University.

2. Buildings, plain, commodious, are to be erected in the spring for a chemical and mechanical laboratory.

3. Our examination hall is at the same time to be enlarged with a view to extending the scale of our operations.

4. The number of our students is to be increased by the drawing of regular levies from the government schools at Shanghai and Canton.

5. A curriculum of studies extending over eight years has been published by authority of the Tsung-li Yamên.

In conclusion, I cannot resist the conviction that the Tung-wen College, after an infancy of seven years, followed by a seven-years' struggle for existence, is now entering on an era of comparative prosperity. The high authorities of the imperial government take an increasing interest in its success, and the final examinations of the Chinese year (now drawing to a close) were attended for three days in succession by cabinet ministers and heads of departments who constitute the council for foreign affairs.

Hoping you will excuse the meagerness and brevity of these details, I remain, &c.,

W. A. P. MARTIN,

*President of the Tung-wen Kwan.*

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No. 66.

*Mr. Seward to Mr. Fish.*

No. 220.]

UNITED STATES LEGATION,  
*Peking, March 13, 1877. (Received May 9.)*

SIR: I have the honor to hand to you herewith translation of a dispatch received from the foreign office, announcing that four new ports will be opened to foreign trade upon the 1st of April next, and my response.

This action on the part of the Chinese Government is in fulfillment of the stipulations of the Chefoo convention. No advices, so far as I am informed, have been received as to the course which the Government of Great Britain has decided to take in regard to that instrument.

I have requested our consuls at the several ports to give the proper notice to American merchants within their jurisdiction.

I have, &c.,

GEORGE F. SEWARD.

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[Inclosure 1 in No. 220.]

Prince Kung, chief secretary of state for foreign affairs, herewith makes a communication.

In regard to the four ports of Ichang, Wuhu, Wên-Chow, and Pakhoi, the office of

foreign affairs memorialized the throne, suggesting the 1st of April next as the date of opening them to foreign trade, and that a date for opening the six landing-places upon the Yangtze River should be announced after proper regulations had been determined.

Upon the 11th instant an imperial rescript was received so ordering. This decision of His Majesty is, therefore, respectfully communicated to your excellency, in common with the other representatives of the several powers.

Peking, March 12, 1877.

To GEORGE F. SEWARD, Esq., *&c.*

[Inclosure 2 in No. 220.]

UNITED STATES LEGATION,  
*Peking, March 13, 1877.*

SIR: Upon the 12th instant I had the honor to receive your Imperial Highness's dispatch, informing me that the ports of Ichang, Wuhu, Wên-Chow, and Pakhoi would be opened to foreign trade upon the 1st of April next, and that a date for opening the six landing-places upon the Yangtze River would be announced after suitable regulations had been agreed upon.

I have instructed the consuls of my government at the several ports to communicate the contents of your Imperial Highness's dispatch to our people.

I have, &c.,

GEORGE F. SEWARD.

To His Imperial Highness PRINCE KUNG, *&c.*

No. 67.

*Mr. Seward to Mr. Fish.*

No. 221.]

UNITED STATES LEGATION,  
*Peking, March 19, 1877. (Received May 9.)*

SIR: I have had the honor to receive your instruction, No. 92, in regard to services rendered by Captain Stewart, of the imperial Chinese gunboat Sin Ching, to the American ship Enoch Train.

I have communicated with the foreign office as instructed, and transmit to you herewith a copy of my note and of the response which I have received.

I have, &c.,

GEORGE F. SEWARD.

[Inclosure 1 in No. 221.]

UNITED STATES LEGATION,  
*Peking, March 10, 1877.*

SIR: I am instructed by the Secretary of State to inform you that a gold watch has been sent by the President to the United States consul-general at Shanghai, to be delivered to Captain Stewart, of the Chinese gunboat Sin Ching, as a testimonial of his appreciation of services rendered by Captain Stewart to the American ship Enoch Train when in distress near Hong-Kong. He has also directed me to ask Your Imperial Highness to convey to the same gentleman, through the appropriate channel, the thanks of the United States for the important services rendered by him on the occasion adverted to.

I have, &c.,

GEORGE F. SEWARD.

To His Imperial Highness PRINCE KUNG, *&c.*

[Inclosure 2 in No. 221.]

Prince Kung, chief secretary of state for foreign affairs, herewith makes a communication in reply.

On the 12th instant I had the honor to receive a communication from your excellency,

stating that last year the American ship *Enoch Train* being in distress near Hong-Kong, Captain Stewart, of the Chinese gunboat *Sin Ching*, rendered assistance to her, and that as a mark of appreciation for his services the President of the United States had ordered a gold watch to be sent to the consulate-general at Shanghai to be presented to Captain Stewart; and you further requested that the thanks of your Government be transmitted to him through the proper channels, &c.

The gunboat *Sin Ching* belongs to the naval force of this government, and in affording assistance to one of your national ships in distress she was but performing a duty.

This mark of appreciation on the part of your government is an act of grace toward the captain of the *Sin Ching*, and reflects clearly its kindly spirit.

The viceroy at Canton has been instructed to communicate with Captain Stewart, as you have requested.

Peking, March 18, 1877.

To GEORGE F. SEWARD, Esq., &c.

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No. 68.

*Mr. Seward to Mr. Evarts.*

No. 230.]

LEGATION OF THE UNITED STATES,  
Peking, April 30, 1877. (Received June 18.)

SIR: I have the honor to hand to you herewith Mr. Consul Lord's report on Wên-Chow, a port opened lately under the provisions of the Chefoo convention, and my letter of advice to him thereupon.

You will observe that I have stated that it would not be consistent with our past policy to accept an exclusive grant of land at the port in question, and that, while there is no occasion to make haste in appointing a consular agent, a person of another nationality may be chosen, if a suitable American cannot be found.

I have, &c.,

GEORGE F. SEWARD.

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[Inclosure in No. 230.]

*Mr. Lord to Mr. Seward.*

No. 75.]

UNITED STATES CONSULATE,  
Ningpo, April 4, 1877.

SIR: In my dispatch No. 72 I informed you that I had received a communication from Admiral Reynolds, saying that, in compliance with your request, he would direct the steamer *Palos* to be at Ningpo in time to convey me to Wên-Chow by the 20th of March, at which time it was understood that port would be opened for foreign trade.

The *Palos* reached here on the 11th of March, but I did not think it desirable to leave for Wên-Chow before the 19th. We left on the 19th, and reached the place called the "Anchorage," in the Wên-Chow River, some five miles below the city, the next day at two o'clock in the afternoon. It was thought necessary to anchor there and await the flood tide the next morning. The next morning, the flood tide making, the steamer went up to the city.

There had been some doubt as to whether vessels of any considerable size could get up to the city. But the *Palos*, drawing twelve or thirteen feet, had no difficulty; and from the soundings taken, I judge that at high water vessels of much larger draught could go up; and when up there was good safe anchorage. While we were there the Chinese gunboat No. 10 (I do not know her draught, but she was a vessel of considerable size) came in and went out, and I heard of no difficulty. I took some pains to find out what prospect trading-vessels visiting this port had of reaching the city, and from all I could learn I think their prospect is favorable. Very large vessels are not likely to go there, and I think will find little difficulty beyond that of waiting, when necessary, for high water. And if there should be vessels too deep to venture up to the city, at nearest they would not need to lie more than five or six miles below it. The river clear up to the city is quite wide. It has, however, many shoals; and from "Anchorage" up the channel I believe is somewhat narrow and crooked.



The city of Wên-Chow is of the same class as Ningpo, but is, I judge, less in size and population. The country about, as to hills, plains, and water-courses, resembles Ningpo, only the hills come nearer to the river and to the city. Indeed, the hills in some places reach the river; and there are several small hills inclosed or partly inclosed by the city wall. The general appearance of the country from the harbor is very pleasant. The city is an irregular square or rectangle, lying on the south bank of the river. The north or opposite bank of the river would have been a much pleasanter place for a town. A town located there would have been more open to the southern breeze in summer, while it would have been better protected by the hills back of it from the cold northern winds in winter. Then, too, a great desideratum, residences facing the south would have looked out on this broad and beautiful river.

The streets of the city are somewhat irregular, but they are cleaner and better paved than most that I have seen elsewhere in China. The houses and shops are by no means large or elegant. There is, however, an air of stir about them. The people seem generally busy.

The business of the place seemed to be small, or at least to be done in small portions. I did not notice any large warehouses or any considerable amount of transportation going on, either by boat or coolies. It was not, I suppose, the season for business, and in a business point the place may have appeared to disadvantage. Still there were quite a number of junks in the harbor, and loaded junks were every day arriving and departing.

Soon after our arrival I was introduced to a native gentleman, who was a person of intelligence, and who, I learned, was the leading merchant of the place. He seemed to think that the place had natural resources for a considerable trade. It only needed capital and enterprise to develop it, and these he seemed to hope would now come to it. I asked him what natural products there would be for exportation. He said the chief of these would be alum, iron, tea, and lumber. The imports would of course be such as the Chinese needed elsewhere; but these might not be large, as the transportation inland was somewhat difficult.

As soon as convenient after our arrival I communicated with the Tao't'ai. He had acted as such officer a short time in this place some eight or ten years ago, when I had made his acquaintance. In my call on him Commander Wise accompanied me, and his call in return was received on board the Palos. We called also on the district magistrate, this being necessary in order to facilitate arrangements in the matter of a foreign settlement. Both these officers were very courteous and obliging in all our intercourse with them, and I must add that while we were there I neither saw nor heard anything on the part of the officials or people but what was entirely friendly. And from all I could learn, there was a general feeling of gratification in the prospect of foreign intercourse; and I think that it is more than probable that much of this confidence and good feeling is owing to the just and kind behavior of a couple of English missionaries, who have been laboring there for several years. Among the circumstances that gave me this impression I may mention this: The Chinese gentleman to whom I have referred as the head merchant and leading man of the place invited Commander Wise and myself to dine with him. We accepted his invitation, and found as our fellow-guests these two gentlemen, who our host said were his intimate and good friends.

Some time previous to our visit to Wên-Chow, I had learned from the papers, as also from other sources, that the port had been visited by Mr. Davenport, British consul at Shanghai, and that while there he had arranged with the Chinese authorities for a British concession. On our arrival there and making inquiry in regard to this matter, I was shown the ground conceded, and minutely informed as to its boundaries and terms of concession. These terms seemed to have been carefully considered, and I judged them to be both liberal and fair. They were put in the form of a joint arrangement, which was signed and sealed in duplicate by both parties. Inclosure No. 1 is a copy, with a hasty translation into English, of this document.

I had not, you know, been definitely instructed as to the course I should take in such a matter, but I deemed it safe and right to ask for ourselves whatever had been conceded to others. In this matter of course we could not have the choice of locality. The English had already procured this. But with this exception, which, after all, may prove to be of no very great importance, we have obtained all that they have. The concessions are equal in size, and they lie side by side on the south or city bank of the river. That of the English is nearer to the city; but ours, even the farthest limit of it, is little, if any, more than a mile away. The ground of them both is low, and at present does not look particularly inviting; but for the purpose intended it seems the most eligible place there is near the city.

Our agreement or deed of concession (a copy and translation of which you will find in inclosure No. 2) is, as you will see, much the same as that of the English. And, as you will also see, either of them can be given up, if not approved, or altered if the place should prove inconvenient and a better one can be found.

I informed the Chinese officials that Wên-Chow, in regard to American interests,

was at present under my jurisdiction; that it was contemplated to have a consular agent there as soon as convenient, and that till then they could communicate directly with me at Ningpo should anything arise needing my attention.

On reaching Wên-Chow I found some officers of the customs already there. Mr. H. E. Hobson, commissioner, was in charge. I asked this gentleman, in case any American vessels should enter the port before the consular officer should be there, to allow them to enter at and clear from his office, their papers on entering to be deposited with him; and he kindly consented to do so.

I have not yet found any suitable person to nominate for consular agent. It is desirable, of course, that such officer should be an American citizen. But if no suitable American can be found going there who would be willing to accept it, what would you think of nominating one of some other nationality?

I have, &c.,

EDWARD C. LORD.

[Translation.]

Agreement made between Fang, intendant at Wên-Chow, and Edward C. Lord, United States consul for Ningpo and dependencies.

Whereas arrangements have been made for opening for trade the port of Wên-Chow: now, therefore, the said intendant and consul agreed to select a piece of ground lying outside of the east gate of the city, in the place called Choo Pah Poo, beginning at the east limit of the English concession and extending along the river 250\* measures, and extending from the river to the distance of about 90 measures, for an American settlement, where American merchants may erect hong, warehouses, and dwellings for their use. The grounds thus included may be temporarily used by their proprietors; but these proprietors may not lease, sell, or dispose of them to other parties, either Chinese or foreigners.

When the consul shall have arrived at Wên-Chow, and building-sites shall be wanted, he, with the intendant or with the officer whom the intendant may detail, shall fix a fair price for them. The proprietors shall not demand a price too high nor shall American citizens insist on one too low. Both parties shall agree to what is fair. And when the price shall have been paid, the proprietors must give possession.

When the consul shall have arrived at Wên-Chow, and the ground shall have been measured, it shall be permitted to put up stone landmarks, with the inscription cut on them, "The American Settlement." If an American merchant shall need ground for use, on application to his consul the consul shall designate it for him, and he shall be allowed to rent and use it. Public roads, and all matters within the settlement, shall be under the control of the consul.

At present, on account of the rains, the ground cannot be carefully measured; but the intendant will direct the local officer to make out a list of its proprietors, and to inform them that they may not rent or sell their grounds to others.

As to the depth or shallowness of the river, accurate measurements have not yet been made, so it is not known whether steamers will be able to come in and anchor, or whether they will have to anchor at Chwang Yuen K'hean, at Poo-Chow, or at some other place. It may happen, therefore, that American merchants will wish to put up buildings at the place of anchorage elsewhere. In which case, notwithstanding this agreement, American citizens, in accordance with the twelfth article of the treaty made at Tientsin, will be allowed to rent grounds and erect buildings wherever they may choose.

If this agreement should fail to be approved by the American minister, or if American merchants should prefer to select a different place for a settlement, then it will not be carried out, but will be regarded as of no effect.

This agreement is drawn up and executed in duplicate, so that each party may have a copy to keep on file for reference.

Boundaries: On the north, the river; on the south, a line 90 measures from the river; on the west, the English settlement; and on the east, a line 250 measures from said settlement.

FANG, [L. s.]

*Intendant at Wên-Chow.*

EDWARD C. LORD, [L. s.]

*U. S. Consul for Ningpo, &c.*

Kwang Sü, 3.1 year, 2d moon, 13th day. (March 27th, A. D. 1877.)

\*A measure is 10 Chinese feet.

[Inclosure 2 in No. 230.]

*Mr. Seward to Mr. Lord.*

No. 22.]

LEGATION OF THE UNITED STATES,  
*Peking, April 30, 1877.*

SIR: I have had the honor to receive your full and interesting report on your visit to the new port of Wên-Chow.

I entirely approve of your course with the authorities, and hope that relations so pleasantly begun will continue to the satisfaction of all concerned. It seems hardly possible that the district marked out by you and the intendant as an appropriate place for the residence of our people will be needed by them for many years to come, if ever, and even should it be needed it would not be altogether consistent on our part, in view of the positions taken up by us heretofore, to claim exclusive privileges in it. I think, therefore, that it will be well for you to inform the intendant that, while it may serve the convenience of the Americans who settle at Wên-Chow to find a district appropriated for their residence, we do not care to ask that the given district be retained for the exclusive use of our people, and that we shall not interfere with the roads, or undertake any municipal matters within it, without the full consent and accord of the local authorities and the authorities of any foreigners who may happen to establish themselves there.

If, as I hope, Wên-Chow is to prove a place of considerable trade, it will be desirable for us to establish a consular agency at the port.

It is not necessary that the agent shall be a citizen of the United States, and it would be better to choose a person from another nationality, if one of satisfactory qualifications can be found, than to intrust the duties to an American who could not be relied upon to represent us in a creditable manner. I see no occasion for haste.

I am, &amp;c.,

GEORGE F. SEWARD.

No. 69.

*Mr. Seward to Mr. Evarts.*

No. 237.]

LEGATION OF THE UNITED STATES,  
*Peking, May 8, 1877. (Received June 18.)*

SIR: The chamber of commerce at Shanghai, as I have heretofore informed the Department, are taking much interest in the proposal to establish a mint in this country, and for the last year a committee of their body has been engaged in the collection of information, and in studying the question of the unit of coinage which could be most conveniently adopted. With a feeling, however, that the government may not be willing to hear their representations, they have hesitated to send up the data which they have collected, and a statement of their views on the points mentioned and the general subject, until they have assured themselves that a disposition exists to look upon the project with favor. They accordingly addressed a note to the foreign ministers here, on the 12th of March, asking for information whether the scheme in question is likely to be entertained. I inclose a copy of their note. Upon the receipt of this, the several representatives addressed an identical note to the foreign office, which has been courteously responded to. I inclose copies of the note and answer, and also a copy of a letter which Mr. Butzow, as dean of the diplomatic corps, has addressed to the chamber of commerce in response to their letter.

The reference of the subject to the northern and southern superintendents of trade was made nearly ten months ago, and I have already informed the department that their responses were favorable. The early carrying out of the proposal will depend primarily upon the submission, by one or the other of them, or by Mr. Hart, of a detailed scheme, with estimates of expenditures, &c., the demonstration to be

then made of the advantages to be derived, and, thereafter, upon the general disposition of the officials and boards to whom the details indicated may be submitted.

The members of the foreign office are so powerful in the government, however, that the adhesion which they have apparently given to the proposal goes a long way to assure me that it will not be many years before China will be provided with the means of coining money.

I have, &c.,

GEORGE F. SEWARD.

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[Inclosure 1 in No. 237.]

*Mr. Forbes to the foreign ministers.*

SHANGHAI GENERAL CHAMBER OF COMMERCE,  
*Shanghai, March 12, 1877.*

YOUR EXCELLENCIES: In accordance with a resolution passed at a general meeting of this chamber, I have the honor to address your excellencies on behalf of the merchants of this port, as represented by the chamber of commerce, on the subject of a national coinage.

The object of the chamber in bringing this question to the notice of your excellencies is to solicit the combined action of the foreign representatives, with the view of inducing the government of this country to establish a legal fixed standard of value and a national currency, the want of these aids to trade being deemed a great impediment to the extension of commercial intercourse between foreigners and natives, as also to the development of the native trade.

There exists at present, as your excellencies will be aware, numerous arbitrary standards of value, the usual commercial medium of exchange in the north of China being the tael, which varies in actual worth in different places; while at ports in the south, and even for certain trades where the tael is generally used, the coin of a foreign country is introduced.

It would be superfluous further to urge upon your excellencies the advantages of a legally-established general unit of value for the whole of the empire, as this is recognized in all Western countries as necessary, and it is hoped that the ministers will view the proposals of the chamber with favor and ultimately induce the Chinese Government to give practical effect to the merchants' suggestions, at least so far as the trade with foreigners is concerned.

The chamber has collected information regarding the original cost and the working of a mint, and at a subsequent time will be glad to be given an opportunity of offering some remarks upon the description of coin to be legalized and other matters connected with the subject; but before troubling your excellencies with details, the chamber deems it advisable to solicit an expression of your excellencies' opinion upon the general question, and upon the prospect of the scheme being favorably entertained by the native authorities.

I have, &c.,

F. B. FORBES,  
*Vice-Chairman.*

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[Inclosure 2 in No. 237.]

*Mr. Seward to Prince Kung.*

LEGATION OF THE UNITED STATES,  
*Peking, April 2, 1877.*

SIR: Foreign merchants in China are continually exposed to grave inconvenience in their commercial transactions because of the absence of any Chinese coin of fixed and uniform value throughout the empire.

The chamber of commerce of Shanghai, which represents the larger proportion of foreign mercantile interests in China, has again called the attention of the foreign representatives to this question, in the hope that, submitted by them to the consideration of the imperial government, it may receive a satisfactory solution. This question deserves, without doubt, the most serious consideration. I doubt not that your imperial highness recognizes this, and that you will favor the discovery of some suitable means of

removing the inconveniences of which foreign merchants complain. It is with this conviction that I have the honor to address myself to your imperial highness, with the request that you give to this subject that consideration which it demands, and that you will kindly inform me whether the imperial government does not judge it expedient to take some measures in the direction indicated. The creation of a system of coins would seem to be the most sure and simple mode of arriving at this end, and it is particularly with regard to this mode of ameliorating the present system that I desire to be informed as to the disposition of the imperial government.

I have, &c.,

GEORGE F. SEWARD.

[Inclosure 3 in No. 237.]

*Prince Kung to Mr. Seward.*

PEKING, April 9, 1877.

A few days since I had the honor to receive a note from your excellency setting forth that foreign merchants in the transaction of business in China meet with difficulties because China has no gold and silver coinage, and requesting my reply as to whether it would be possible to establish a mint and a system of coinage, &c.

According to Chinese law, the revenues received by the treasury board from the several provinces, and the revenues sent forward by the several provinces, are all received in the treasury tael of pure silver. This is established by Chinese law, and there is no variation from it. Regarding the quality and weight of silver used in mercantile transactions in case it is not paid to Chinese officials, it is regulated by the convenience of the merchants in the several provinces. In case it is to be paid to the authorities, it must be equivalent to the treasury tael of pure silver.

Having received your excellency's note with contents, as mentioned above, the superintendents of northern and southern trade have been instructed by this office to take into consideration the circumstances of the several provinces, whether coinage is possible, and how uniformity can be secured, and to report to this office for its further consideration. When their replies shall have been received, I shall have the honor of addressing your excellency again.

[Cards of prince and ministers.]

[Inclosure 4 in No. 237.]

*Mr. Butzow to the chairman of the Shanghai General Chamber of Commerce.*

PEKING, May 1, 1877.

SIR: In consequence of your letter dated the 12th March, the representatives of Germany, the United States, Spain, France, and Great Britain, and myself addressed the Chinese Government, in order to call their attention to the disadvantages under which the foreign merchants in China are working in the absence of a national currency and of a uniform standard of value.

The step taken by us has elicited from the Tsung-li Yamèn a reply satisfactory, in so far as it states that the superintendents of trade of the northern and southern ports have been instructed to submit to the government their opinion on the establishment of a national currency.

I beg to request you, sir, on behalf of my colleagues and myself, to communicate the above to the chamber of commerce. You will be made acquainted in due time with any further information that may reach us. In the mean time we shall be glad to receive from the chamber such remarks as they may desire to offer upon the description of coin which should be issued, and upon other matters connected with the subject.

I avail myself, &c.,

BUTZOW.

No. 70.

*Mr. Seward to Mr. Evarts.*

No. 239.]

UNITED STATES LEGATION,  
Peking, May 12, 1877. (Received June 29.)

SIR: I have the honor to hand to you herewith a slip cut from the North China Daily News of the 20th ultimo, which reports that the foreigners

employed in the Woosung Railway service have been re-engaged for a further period of eighteen months. The railway has not yet been turned over to the Chinese, but it would seem that the latter must have intimated their intention to operate it upon coming into possession and their desire to retain the foreigners mentioned. This result is satisfactory and justifies the statement heretofore made by me that the government do not really regard railroad enterprises with disfavor, although too little in earnest, or too fearful of the consequences of their introduction, to enter upon their construction.

I have, &c.,

GEORGE F. SEWARD.

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[Inclosure.]

[From the North China Daily News.]

SHANGHAI, April 20, 1877.

Yesterday the foreign employés on the Shanghai and Woosung Railway commenced the term of their second period of engagement of eighteen months. It was at one time thought uncertain whether at the expiration of their first term of eighteen months, some, or even all of them, would not be sent home. The fact of the second term being commenced without any change speaks favorably for the permanency of the line, and the probable extension of railway enterprise in China.

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No. 71.

*Mr. Seward to Mr. Evarts.*

No. 240.]

UNITED STATES LEGATION,  
Peking, May 12, 1877. (Received June 29.)

SIR: I have the honor to hand to you herewith a letter which I have received from the consul at Amoy, in regard to the establishment of a municipal body, for the control of roads, &c., in the district occupied by foreigners at that port, and my response thereto.

I shall hereafter send to you the report of the case at Shanghai, referred to in my dispatch, with such remarks on the general subject as may seem pertinent.

I have, &c.,

GEORGE F. SEWARD.

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[Inclosure 1 in No. 240.]

*Mr. Henderson to Mr. Seward.*

No. 46.]

UNITED STATES CONSULATE,  
Amoy, March 12, 1877.

SIR: I beg to hand you under this cover a copy of some proposed municipal regulations which were recently agreed to at a public meeting of the foreign residents of Amoy, and transmitted to the consular officers on yesterday, with the request that we obtain for them, if possible, the sanction necessary to give them the force of law. The consular officers accordingly agreed, yesterday, to forward the regulations to their respective ministers and recommend their adoption, at the same time requesting the ministers, should they approve the rules, to obtain for them the approval of the Tsung-li Yamén.

In compliance with the request of the community and the agreement of the consuls referred to, I now have the honor to submit these regulations for your consideration,

and respectfully request that, if they meet your approval, such action be taken on them as may be necessary to make them binding on citizens of the United States at this port.

I may further remark that, owing to the absence of the regular Tao-t'ai at this time, the assent of the native local authorities has been neither solicited nor obtained for the rules.

But I am not sure that their assent would be at all necessary, even for the information of Tsung-li Yamén. I will forward for your use a Chinese translation of the rules by next opportunity.

I am, &c.,

J. J. HENDERSON,  
*Consul.*

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[Inclosure 2 in No. 240.]

*Mr. Seward to Mr. Henderson.*

No. 25.]

PEKING, *May 1, 1877.*

SIR: I have the honor to recur to your dispatch No. 46, and to say that I have considered the matter therein dealt with, in concert with my colleagues, the ministers for Russia, Germany, Japan, Spain, France, and England, and that we are of opinion that if it be desirable to establish a municipal organization for the control of roads, &c., upon the island of Koolangsoo, at your port, it will be better to secure, if possible, their acceptance by the local authorities before sending them to us to be submitted to the foreign office. We are also of opinion that the rules which have been proposed are unduly complicated, and that simpler ones should be agreed upon.

In this connection I may inform you that a revised code of rules for Shanghai was presented to the land-renters there in the spring of 1875, which might well be taken by you as a guide in preparing those for your port.

The principles to be observed in the framing of rules which shall be binding upon our people will be clear to you upon perusal of the case of the Shanghai Municipal Council *vs. Fogg*, which was heard in the consular court at Shanghai two or three years ago, and which was fully reported at the time in the *North China Herald*. You will find some interesting dispatches on the same subject in the book of diplomatic correspondence for last year, in reference to municipal matters at Nagasaki.

I am, &c.,

GEORGE F. SEWARD.

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No. 72.

*Mr. Seward to Mr. Evarts.*

No. 241.]

UNITED STATES LEGATION,  
*Peking, May 12, 1877. (Received June 29.)*

SIR: I have the honor to hand to you herewith a copy of a letter, number 48, from the consul at Chin Kiang, reporting his visit to Wuhu, to open it to American trade, and a copy of my response.

As the port mentioned is within easy reach of Chin Kiang, as I have not yet heard that any foreigners have settled there, and as a consular agency ought not to be established inconsiderately, I have requested Mr. Colby to report to me further before nominating an agent to you.

I have, &c.,

GEORGE F. SEWARD.

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[Inclosure 1 in No. 241.]

*Mr. Colby to Mr. Seward.*

No. 48.]

UNITED STATES CONSULATE,  
*Chin Kiang, April 26, 1877.*

SIR: I have the honor to submit the following report of the part I have taken in connection with the opening of the new port of Wuhu, to foreign commerce. By previous arrangement with Captain Fyffe, commanding the United States steamship *Mo-*

nocacy, it was agreed that he should meet me at Wuhu on his way down the river from Chang on or about the 23d instant, and remain with me there until I might consummate the necessary arrangements with the Chinese officials of that port for the placing of a United States consular agent there and for the adoption of such measures as I might deem necessary and proper for the protection of American interests at that port.

I accordingly set out from here on the 20th instant, accompanied by my Chinese writer and Mr. W. F. Walker as interpreter. I arrived at Wuhu on the evening of the 22d, where I found Captain Fyffe with the Monocacy already in waiting. On Monday morning I opened a correspondence with the Tao-t'ai, stating my business and requesting an interview, which was cheerfully accorded me at 2 o'clock p. m., of that day, at which time, accompanied by Captain Fyffe and three other officers of the Monocacy, I proceeded to the Tao-t'ai's Yamèn, where we were received by that official in a manner befitting our respective stations.

At this interview I informed the Tao-t'ai that it might soon become desirable on the part of the United States to place a consular agent there, in which event it would be expected that he would receive such respectful consideration as a representative of the United States would be entitled to. Further, that I should expect that all American citizens who might see proper to locate at Wuhu, would receive immunity from violence or insult, and that they would be accorded every facility for trade and commerce to which under treaty they were entitled. To all this he assured me that our agent should be cordially welcomed and respectfully treated; also that American citizens should be free from molestation, and merchants encouraged to engage in commerce; in fact, he said that they were anxious to have foreigners come and engage in business. I declined to locate an American settlement, thinking it preferable to await future developments and wants. The interview ended satisfactorily and impressed me with a feeling of strong friendliness upon the part of the natives toward foreigners.

In the evening the Tao-t'ai addressed me a note saying he wished to call upon me at 10 o'clock a. m. the next day. I expressed in reply a willingness to receive him, and designated "on board the Monocacy" as the place. At the appointed hour he arrived and was received in the captain's cabin. Here we had a further talk upon various business matters, and the Tao-t'ai furnished me, at my request, a list of the imports and exports at Wuhu, which I will give further on. After an hour or more the Tao-t'ai, having first inspected the ship, &c., retired. All matters being concluded between the Tao-t'ai and myself, the Monocacy was soon got under way and we left Wuhu with very favorable impressions of her officials, people, and prospects.

Wuhu is in the province of Anhui, and is laid down in the charts as being upon the south bank of the Yangtze, one hundred and one miles from Chin-Kiang, and consequently about two hundred and sixty miles from Shanghai. It has a population of over 100,000 souls, (as stated to me by the Tao-t'ai,) is in the midst of a very fertile district, and will unquestionably become a prosperous and extensive port of commerce.

It is claimed that the opening of Wuhu to foreign commerce will very sensibly affect the tea trade of Ningpo and Ku-Kiang, and the sugar, piece-goods, and opium trade of Chin-Kiang. The tea-districts of Anhui province are said to be among some of the very best of China.

The following is the list of imports furnished me by the Tao-t'ai. It will be observed that in this enumeration he includes native as well as foreign products, which indicates the real consumption of the districts of which Wuhu will be the inlet and outlet.

*Imports.*—Native cotton cloth, (nankeens,) foreign cotton cloth, foreign agar agar, (for dyeing,) foreign fans, native fans, foreign sugar, native sugar, foreign opium, native opium, foreign lung-ngaus, native lung-ngaus, (dried,) foreign camlets, native lotus-nuts, foreign broadcloths, medium cloths, cotton shirting, and piece-goods, and native cotton, cow-hides, medicines, grass-cloth, paper, earthenware, iron, tin, copper, hemp, laquer, coal, oils, white wax, and safflowers.

*Exports.*—Alum, preserved dates, paper, lily-flowers, ink, tea, rice, (grain,) mats, dyes, and China-root.

Wuhu was very much injured during the Taiping rebellion, and her trade so very much impaired that the native customs was discontinued and was not reopened until July of last year, as it was not until that time that the local authorities felt justified in opening the customs again. The foreign customs, under the supervision of Mr. Woodruff, has but recently been opened and as yet has done but little. The foreign steamers all stop at Wuhu now, and carry more or less freight, which latter, I am told, is rapidly increasing. There are three American steamers still running on the river, belonging to a new company, and it is understood that they contemplate increasing their fleet at once.

There are also thirteen American lorchas running on the river, which possess an average (registered) tonnage of one hundred and thirty tons, all of which will expect to receive their share of freight to Wuhu, and hence expect and require some sort of consular protection there. There are at present no American citizens at Wuhu, but I learn of several who contemplate going there to engage in business.



I strongly recommend having an agent there as soon as possible. Few, if any, persons will care to go to any of the new ports to reside until they have a consular representative there to protect their interests, and I do not regard that those representatives are present solely to subserve the interests of merchants only, who perhaps trade as much or more in products of other countries as those of the United States, but by their presence, industry, and energy to encourage the introduction of American manufactures among Chinese merchants who, from their long assimilation with foreigners, are rapidly becoming extensive dealers in foreign goods. And I now confidently prophesy that the day is rapidly approaching in China when the Chinese merchant will become his own importer, having his purchasing agents in New York, Boston, or London and Liverpool, as the case may be, at the same time exporting his own silks, teas, &c., to the same agents, and thus eventually become a wholesale importer, exporter, and jobber in foreign and native goods.

I regard it as desirable that when that period arrives the United States should be in a position to secure their share of such a trade, and I know of no better aid in bringing it about than by active, energetic consular representatives at every port. Great Britain has already a consular representative at Wuhu, her policy being the introduction of English manufactures at all objective points, and I think the United States might wisely imitate her example.

I am under very many obligations to Commander Fyffe, of the United States steamer *Monocacy* for his kindness and courtesy to me; as also the same for same reasons to Mr. Brennan of Her Majesty's consular service, and to Mr. Woodruff of the Imperial customs.

My sincere thanks are due to Mr. Walker for his services as interpreter.

I am, &c.,

HON. GEORGE F. SEWARD,  
*United States Minister, Peking.*

J. C. S. COLBY.

[Inclosure 2 in No. 241.]

*Mr. Seward to Mr. Colby.*

No. 14.]

PEKING, May 11, 1877.

SIR: I have had the honor to receive your dispatch, No. 48, reporting to me your visit to the port of Wuhu in the United States steamer *Monocacy*.

I approve your procedure in all respects.

I do not think that there is immediate occasion for the nomination of a consular agent at the port mentioned; in fact, it does not appear that any of our people, or, indeed, any foreigners, saving the staff of the customs and of Her Britannic Majesty's consulate, are resident there. If hereafter any of our people shall settle there, or, failing this, if any foreigners shall establish themselves at the port from among whom a suitable agent can be selected, it will be well for you to report to me further, so that I may advise the Department whether an agency is needed.

I am, &c.,

GEORGE F. SEWARD.

J. C. S. COLBY, Esq.,  
*United States Consul, Chin-Kiang.*

No. 73.

*Mr. Seward to Mr. Evarts.*

No. 243.]

UNITED STATES LEGATION,  
*Peking, May 12, 1877. (Received June 29.)*

SIR: On several occasions I have informed the Department that the judicial system of China, as it affects foreigners who have occasion to seek redress from the courts, is in a very unsatisfactory condition. My trade report for 1875, my notes on the German treaty revision scheme, my dispatch transmitting the protocol signed by several of the foreign ministers at this court in regard to the Chefoo convention, the protocol

itself, my dispatch in regard to the prosecution of claims against the Chinese Government and those in reference to the claims of the merchants at Shanghai, and Mr. Hill's case, all deal with the subject.

I have also sent one or more notes to the Department remarking briefly upon the course of justice where foreigners are not concerned. My object has been to present to the government an accurate disclosure of the situation, so that there may not exist any wrong ideas as to the difficulties which foreign representatives met with in defending the interests of their countrymen, to indicate how unwise it would be to give up the extraterritorial system, and to point the way to reforms which ought to be secured, if possible.

As a commentary upon what I have thus written, I beg leave to transmit to you now a translation of a joint memorial addressed to the Throne by the acting governor-general of Fuhkien and Chekiang provinces, and the governor of the former province, in which the vicious routine and results of the judicial administration in Fuhkien are portrayed in plain terms.

The effort to bring about a better condition of things in the district in question is generally credited to the Governor Ting Jih-ch'ang, who was formerly intendant of circuit at Shanghai, with whom I was long associated at that port, and who is an earnest and progressive man. He is now in charge more particularly of affairs in Formosa, and I hear unofficially that he is urging upon the government here the development of the resources of that island. He is an especial friend and ally of the Viceroy at Tientsin.

I have, &c.,

GEORGE F. SEWARD.

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[Inclosure.]

[From the North China Daily News of Shanghai, May 1, 1877.]

MEMORIALS OF THE GOVERNORS OF FUHKIEN AND CHEKIANG.

APRIL 14.—The acting governor-general of Min-cheh, and Ting Jih-ch'ang, governor of Fuhkien, jointly memorialize, representing the urgent necessity that exists for a modification of the rules in force respecting the custody of prisoners, in order to allow a speedy dispensation of justice to take place. Observing that the civil administration in the province of Fuhkien has lapsed into a condition of vicious routine, one consequence of which is that unsentenced criminals and other parties to judicial cases habitually languish in imprisonment, frequently resulting in death, the memorialists point out that in order to afford any actual relief it is necessary to undertake a radical and searching inquiry into the causes of the evil complained of. They have already, on two successive occasions, denounced a series of officials guilty of acts of suppression in connection with reports of law proceedings, and they have at the same time lavished exhortations upon all their subordinates to discharge their duties with diligent exactitude, to such an extent that they may almost say they have worn away the points of their pens, and have brought blisters to their lips in the effort. In the course of six months the cases of 532 prisoners, old and new, have been wound up; but the misfortune is that in many cases where the official returns show only a few prisoners in custody, there are in reality some scores of persons in confinement. Thus, at Amoy the subprefect had upward of eighty prisoners in jail, and reported barely half a dozen. The subprefect at Shih Ma had upward of twenty persons in confinement, and had gone on for some time reporting the prison as untenanted; and these cases may be taken as typical of the remainder. Not only is this what happens as regards the magistrates themselves, but prisoners are confined by the underlings without the knowledge of the clerks and secretaries, while these again commit persons to custody without the knowledge of their official employers. Farmers and laborers or petty traders once cast into prison, their entire household knows not a moment's peace, and their release is not effected until land and houses, nay, it may be, wife and children, are sold and interest brought to bear on their behalf. The official sits at his chess and wine, while the people are offering up supplications, to which there is none

to lend an ear. Verily, the sound of their woes and anguish may well suffice to evoke the visitation of drought and to arouse the wrath of Heaven. Since the memorialists began their work of scrutiny, prisoners to the number of 1,246, borne on the lists sent in from the various districts, have been released, but they have no doubt that thousands more are still confined, of whom no report is made, or who are surreptitiously held in durance by the official underlings. Most marvelous of all are such instances as that of the magistrate of Show-ning, who, when stringently called upon to explain why a prisoner named Li was still detained in custody more than a year after he had been entitled to his release by act of grace, replied that the prisoner was so fond of confinement that he did not wish to be set at liberty; and of the magistrate of Tsiang-loh, who, when called upon to report why a prisoner named Yang had been so long in jail, replied that the man had been handed over by one incumbent of the office to another during a long series of years, and that no particulars of his case were on record! Other instances of the kind might further be cited. There are at present in all the districts of the province some 290 odd criminals in prison, whose trials are not yet at an end, and 620 odd prisoners in addition to these. The prisoner who has been longest in confinement is one Wêng I-loh in the Fuh-ts'ing district, who has been twenty years in jail; and other instances of imprisonment for twelve, eleven, and ten years are recited.

The majority of these are individuals connected with charges of murder or robbery, with violence, but some have retracted confessions made in the first instance, under torture, while others are simple accessories, or even persons who declare themselves to be the victims of false accusations. The courts, bound down by the letter of standing regulations, do not venture to pronounce a final decision. And the consequence is that prisoners who, if they had only been sentenced, might go free, in conformity with the terms of the Imperial amnesties, are detained in perpetual imprisonment, owing to some contradiction in their depositions, first and last. In order to remedy the crying evils thus exposed, it is prayed that the existing regulations may be modified so as to enable a general jail delivery to be held, irrespective of the limitations of time prescribed by the rules affecting trials, for all cases dating from before the year 1875, exception being made in the case of persons who have retracted confessions made in the face of direct testimony, keepers of gambling-houses, promoters of litigation, kidnappers to hold to ransom, and evil-doers of this class, who, if set free with the rest, would be certain either to betake themselves to the profession of brigandage, or to drift into connection with alien sects. It is proposed that this class of prisoners may be kept in custody for a fixed term of years by being chained to blocks of stone, but not locked up in prisons. For all subsequent cases, it is proposed that the regulations enjoining dispatch in procedure be duly enforced. An apology is made for some delay in sending forward the present memorial, owing to the departure for Formosa of the governor, Ting Jih-ch'ang, by whom it has been drawn up.

Rescript: Let the boards concerned consider and report to us.

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No. 74.

*Mr. Seward to Mr. Evarts.*

No. 252.]

UNITED STATES LEGATION,  
Peking, May 19, 1877. (Received July 27.)

SIR: Recurring to my dispatch No. 240, as I have learned that Mr. Henderson has not furnished the Department with the proposed municipal rules for the port of Amoy, I have the honor to hand to you a copy of them herewith.

I have the honor, &c.,

GEORGE F. SEWARD.

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[Inclosure.]

PROPOSED MUNICIPAL REGULATIONS.

1st. That the limits wherein these regulations are binding be the island of Kulangsoo.

2d. In order that due provision should be made for the making of roads, building public jetties and docks, and keeping them in repair, and for cleansing, lighting, watering, and draining the settlement generally, establishing a watch or police force

therein, establishing sanitary regulations, paying the persons necessarily employed in any municipal office or capacity, and for raising money by way of loan for any of the purposes aforesaid, the senior consul shall in the first week of December of each year, or on the requisition duly made as hereinafter mentioned, convene a meeting of all persons entitled to vote as hereinafter provided, to devise ways and means of raising the requisite funds for these purposes; and at such meeting it shall be competent for the said persons, or a majority of those present, to declare an assessment in the form of a rate to be made on the land or buildings within the said limits; and it shall also be competent for the said persons, or a majority of them as aforesaid, to impose other rates and taxes for the purposes aforesaid in the shape of wharfage-dues, license-fees, &c.

3d. It is further provided that the said land-renters, and others as aforesaid, shall appoint, in the mode hereinafter described, an executive committee or council to consist of not more than five persons, for the purpose of levying the rates, dues, and taxes hereinbefore mentioned, and applying the funds realized from the same for the purposes aforesaid, and for carrying out the regulations now made; and such committee, when appointed, shall have full power and authority to levy and apply such rates, dues, and taxes, and recover the same from all defaulters in the court under whose jurisdiction such defaulter may be.

4th. When in pursuance of these regulations the above-mentioned committee or council shall be duly elected, all the power, authority, and control conferred by the by-laws now sanctioned and annexed to these regulations, and all the rights and property, which, by such by-laws are declared to belong to any committee or council as aforesaid, shall vest in, and absolutely belong to, such committee or council, and to their successors in office; and such committee shall have power and authority, from time to time, to make other by-laws for the better enabling them to carry out the object of these regulations, and to repeal, alter, or amend any such by-laws, provided such other by-laws be not repugnant to the provisions of these regulations, and be duly confirmed and published, and provided also that no by-law or amendment by the committee under the authority of these regulations, except such as relate solely to their council, or their officers or servants, should come into operation until passed and approved by the consular body, in consultation with the Chinese authorities and the rate-payers in special meeting assembled, of which meeting, and the object of it, ten days' notice shall be given.

5th. And whereas it is also expedient that due provisions should be made for the auditing of the accounts of the said committee or council, and for the obtaining the approval and sanction of them by the rate-payers in public meeting duly assembled, it is provided that the said audit and the said sanction and approval shall be made at the annual public meeting convened as hereinbefore mentioned.

6th. It is further provided that any penalty or forfeiture, or fees, or licenses provided for in the by-laws framed under the authority of these regulations, and imposed in pursuance of such by-laws, may be recovered by summary proceedings before the proper authority; and it shall be lawful for such authority, upon conviction, to adjudge the offender to pay the penalty or incur the forfeiture, as well as such costs attending the conviction as such authority may think fit. All fines and penalties levied under these regulations, and the by-laws framed and to be framed under them, shall be carried to the credit of the committee or council.

It is further provided that it shall be competent for the senior consul at any time when it may appear to him needful, or upon requisition of ten of the rate-payers, to call a public meeting, giving ten days' notice of the same, setting forth the business for the consideration of which it is convened; all resolutions passed by a majority of two-thirds of the qualified voters present at any such public meeting, on all such matters aforesaid, shall be valid and binding on the whole of the rate-payers. At such meeting the senior consul present shall take the chair, and in the absence of a consul then such rate-payer as the majority of voters present may nominate, who shall report to the consular body the resolutions passed at each meeting, for their concurrence and approval, and unless such approval be officially given such resolution shall not be valid and binding; provided, always, that a term of ten days shall elapse between the date of the resolution and the signification of approval by the consular body in consultation with the Chinese and local authorities. In all cases in which rate-payers in public meeting assembled as herein provided decide upon any matter of a municipal nature, not already enumerated, affecting the general interests, or impose any new or extraordinary tax, any person considering himself prejudiced in property or interest by the resolution may, within the period of ten days aforesaid, represent his case to the consular body in consultation with the Chinese local authorities, for their consideration. After the expiration of the term of ten days the consular approval, if signified, shall be binding.

8th. It is provided that members of the municipal council shall be elected by ballot at a place appointed by the senior consul fourteen days previous to the annual meeting, and that at all meetings the following persons shall alone be entitled to vote, viz :

Land-renters, recognized agents acting for firms who are land-renters, and persons holding formal authority to act as proxies for absent land-renters, and all tax-payers of five dollars and upward per annum.

9th. It is provided that on or before the 15th November in each year, it shall be competent for every person entitled to vote for the election of the council, to send in writing to the senior consul the names of five duly qualified persons, accompanied by their agreement to serve if elected, attaching his signature to the memorandum. The names of all persons proposed will then be circulated and exhibited in the consulate offices. On the day appointed for the election, should the members proposed exceed the required number, a ballot will take place as set forth in the foregoing regulation.

10th. All rate-payers of six months' residence in the settlement, having paid all taxes due, and whose annual payment shall amount to the sum of twenty dollars and upward, shall be qualified to be members of the municipal council.

11th. In case of vacancy or vacancies occurring in the committee or council during the municipal year, the council shall be authorized to fill up such vacancy or vacancies as they occur.

12th. The council shall enter upon their office immediately after the annual meeting, and at their first meeting the new council shall elect a chairman, secretary, and treasurer. In the temporary absence of the chairman, the members present at any meeting of the council shall elect their chairman for such meeting.

13th. The council may from time to time appoint such officers and servants as they think necessary for carrying out these regulations, and fix the salaries and allowances of such officers and servants, and may pay the same out of the municipal funds, and make by-laws for the government of such officers and servants, and may discontinue or remove any of them, from time to time, as they shall think fit.

14th. The council shall administer the municipal funds for the public use and benefit at their discretion, in accordance with the object and view expressed at the general meeting, and within the limits of the budget passed thereat; and a statement shall be drawn up by them at the end of each year for which the council has been elected, showing the nature and amount of the receipts and disbursements of the municipal council fund for that year; and the said statement shall be circulated for general information at least ten days before the general meeting is convened.

15th. No matter or thing done or contract entered into by the council, nor any matter or thing done by any member thereof or person whomsoever, acting under the direction of the council, shall, if the matter or thing were done or the contract entered into *bonâ fide* for the purpose of executing these regulations, subject them or any of them personally to any action, liability, claim, or demand whatsoever; and any expense properly and with due authority incurred by the council, member thereof, or person acting as last aforesaid, shall be borne and repaid out of rates levied under the authority of these regulations.

16th. It is provided that all disputes between rate-payers and others and the council, in which the former conceive themselves aggrieved, shall be submitted to a special court, consisting of three persons annually elected by the consular body, in consultation with the local authorities, whose decisions shall be binding.

#### BY-LAWS.

1. The entire control and management of the roads, jetties, public buildings, sewers, and drains within the limits of these regulations, and all sewers and drains in and under the roads, and all the works and materials thereunto belonging, whether made at the time of the passing of these regulations or at any time thereafter, and whether made at the cost of the council or otherwise, shall vest in and belong to the council.

2. The council, and none other, shall be surveyor of all highways within the limits of the aforesaid regulations, and within those limits shall have all such powers and authorities as such surveyors of highways are ordinarily invested with.

3. The management of the roads, streets, bunding, and jetties, and the laying out and repairing thereof, shall be vested in the council, and all material, implements, and other things provided for laying out and repairing said roads, streets, bunding, and jetties shall belong to the council.

4. The council may stop up any road or street, and prevent all persons from passing along and using the same during the construction, alteration, repair, or demolition of any sewer or drain in or under such road or street, but must allow access to houses.

5. Every person who willfully displaces, takes up, or makes any alteration in the pavement flags or other materials of any streets, bunding, and jetties under the management of the council, without their consent in writing, shall be liable to a penalty not exceeding twenty-five dollars, together with the cost of replacing the same.

6. When any building-materials or other things are laid, or any hole made in any of the roads, whether the same be done by the council or not, the person or persons causing such hole to be made shall, at his own expense, cause a sufficient light to be fixed

in a proper place on or near the same, and continue such light every night from sun-setting to sunrise, while such material or hole remain; and such person shall, at his own expense, cause such materials or other things and such hole to be sufficiently fenced and inclosed until such materials or other things are removed, or the hole filled up or otherwise made secure; and every such person who fails so to light, fence, or inclose the same, shall for every such offense be liable to a penalty not exceeding twenty-five dollars.

7. If any building, wall, or hole, or other place near any street be, for want of sufficient repair, protection, or inclosure, dangerous to the passengers along such street, the owner shall repair the same, or, in default, the council shall cause the necessary repairs to be made, and the expenses of the same shall be recoverable as damages from the owner.

8. The council may give notice to the owner or occupant of any house or other building to remove or alter any porch, shed, projecting window, step, or any other obstruction or projection erected or placed against or in front of any house or building within the limits of these regulations, and which is an obstruction to the safe and convenient passage along any road or street, and such owner and occupant shall, within fourteen days after the service of such notice upon him, remove such obstruction or alter the same in such manner as shall have been directed by the council, and in default thereof shall be liable to a penalty not exceeding ten dollars, and the council in such case may remove such obstruction, or projection, and the expense of such removal shall be paid by the owner or occupant so making default, and shall be recoverable as damages.

10. In the case of any stagnant pool of water, pig-sty, cow-house, stable, privy, or any other building, constructions, or thing being proved a nuisance to the occupiers of adjacent lots, or to the public, the secretary of the council shall forthwith give notice to the owner, or reputed owner, agent, or occupant, that such nuisance must be removed; and if the same be not removed within a time considered reasonable by the council, the council may abate such nuisance at the expense of the owners of such property, the same being recoverable as damages.

11. No spirit-shop or house of entertainment of any kind shall be opened within the limits of the settlement, without a license first obtained from the council, countersigned by the consul of the applicant's nationality, under a penalty not exceeding one hundred dollars, recoverable from the person committing such offense.

12. All persons causelessly creating a noise or disturbance, and all persons guilty of furious and improper riding or driving, or leading horses upon the roads to the endangerment of passers-by, or obstructing the fair-way to or from the landing steps, or who shall commit any act which may legitimately come within the meaning of the term nuisance, shall be liable to a penalty not exceeding ten dollars.

13. No cattle or horses shall be allowed to go loose at any time, or to be tethered in the roads of the settlement, under a penalty not exceeding five dollars.

14. It shall be lawful for any officer or agent of the council, and persons called by him to his assistance, to seize and detain any person who shall have committed any offense against the provisions of these by-laws, and hand him over to the proper authority; provided, also, that no person shall be arrested or detained in custody further than may be necessary to prevent disturbance or to secure the identification of the offender, or to prevent his escape.

15. Every penalty or forfeiture imposed by these by-laws, made in pursuance thereof, the recovery of which is not otherwise provided for, may be recovered by summary proceeding before the authority concerned; and, upon conviction, the offender shall pay the penalty or forfeiture incurred, as well as such costs attending the conviction as such consul shall see fit.

16. The discharge of fire-arms beyond the limits of persons' own premises is prohibited under penalty not exceeding ten dollars for each offense, unless specially sanctioned by the council.

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No. 75.

*Mr. Seward to Mr. Evarts.*

No. 273.]

UNITED STATES LEGATION,  
Chefoo, June 16, 1877. (Received July 25.)

SIR: I have had the honor to mention to the department the fact that in a part of Northern China the rains failed last year, and that the people have suffered from a famine in consequence.

So far as we know the distress has been greatest in the province of Shan-tung, within which this part is situated. It has extended north, however, into Chili, and westward into Shanse, Shense, Honan, and Kansuh. We hear, indeed, that its results in Honan and Kansuh have been very severe.

The Netherlands minister to China, Mr. Ferguson, resides here, and has given attention to the reports which have been brought in from the famine district in this province. His information is set forth briefly in the inclosed copy of a letter which he addressed to his countrymen in this part of the world in March last, at which time foreigners generally in China and Japan were making an effort to extend all possible relief.

The total amount of the sums subscribed by foreigners has not been declared, and it is not easy to arrive at it, as they have been paid in and expended at different times and different places. It cannot fall much short of \$40,000. This will be considered a large sum to be contributed by so few people. The good which has been done with the money cannot be measured by the value of so much money in the west. Among a people so simple in their wants, a few dollars go almost farther than would the same number of tens of dollars in the west.

The almoners of this charity have been the missionaries of different denominations who are resident in and near the distressed districts, notably Mr. Richards, of one of the English missions, and Dr. Nevins, of the American Presbyterian mission. The latter returned a few days since, having expended all the means with which he had been provided, about \$10,000. He has confirmed to me the general correctness of Mr. Ferguson's letter, and assured all that the number of deaths in this province must be counted by tens of thousands. There were about 30,000 people in the district where he operated, and he reports that, in an exaggerated way, the survivors insist that half of them would have perished but for the aid which he brought. He says that the officials and gentry rendered almost no aid where he was, but he has heard that in other districts they have done better.

I had some conversation about the famine with a few of the members of the foreign office before I left the capital, and I seized the opportunity to point out to them the fact that the extension of railways and the introduction of varied industries are relied upon in other countries to mitigate such occurrences. I thought it due to our common humanity to point out by indirection that a government cannot be excused in this age for the abandonment of its people to widespread and horrible distress, disease, and death.

I had an opportunity, also, to bring to their attention in another way the charity which foreigners have extended to the sufferers. I was told beforehand that the foreign office would not be pleased to receive this information, but I could not believe it. The result is that the Yamên addressed notes to the several foreign representatives asking us to return the thanks of the government to our respective nations for their benefactions.

There is a prospect of excellent crops at the approaching harvest.

I have, &c.,

GEORGE F. SEWARD.

[Inclosure.]

[From the Shanghai Courier and China Gazette.]

NETHERLAND LEGATION IN CHINA,  
Wednesday, March 14, 1877.

To His Netherland Majesty's consuls and subjects in China, Japan, the Philippines, Hong-Kong, Macao, Cochin China, Siam, Straits Settlements, and India :

GENTLEMEN : It was pretty generally known that during the summer and autumn of last year various parts of the provinces of Shantung and Chihli had suffered from a drought which would result in more or less distress from the scarcity of food that must necessarily follow, and, indeed, symptoms in themselves grave began to be manifest as winter approached, though only trifling as compared with what has occurred.

Toward the middle of November regular communication from reliable sources in the interior of Shantung ceased, and native report was the only source of information as to the condition of the suffering province. It appears that in the interim matters were becoming daily more and more aggravated, and that the aid given by the Chinese Government toward the suffering districts proved not to be sufficient, so that urgent appeal was made to the people of other provinces and the foreign communities in China.

About the 25th of January communications were again opened with the coast ; but, unfortunately, the first letter, coming through Chinese hands, only reached its destination long after subsequent accounts, which confirmed the worst fears and depicted a state of unutterable distress. The word which now reaches us says that thousands are already dead of starvation and thousands more are starving.

The principal scenes of these sufferings in Shantung are eight *hiens*, viz : Liu-ku, I-tu, Chang-ol, Wei-hien, Lo-ngan, Show-kwang, Ling-to, and Po-ling. Of these, Liu-ku suffers most, and gets 10,000 taels in relief from the 43,000 taels granted for all by the government. But though the distribution of gruel has doubled, yet the suffering has more than doubled. The people have eaten up the little crop they got in the autumn, and now are in the direst plight, and their cry is no longer for rain, but for life.

With reference to the extent and degree of sufferings, the following details will give an idea : A moderate *hien* contains about 1,000 villages. Villages of 500 families report 300 persons dead of starvation ; villages of 300 families, 100 persons ; and so on. One village in Liu-ku had 180 inhabitants in it last summer ; now there remain 93 ; 40 are dead, and the rest gone away.

The course of the distress seems to be that as soon as the corn is all eaten they resort to the husks ; then potato-stalks, elm-bark, turnip-leaves, acorns, and grass-seeds gathered in the fields. When this is all done, they pull down their houses, sell their timber, eat the rotten sorghum-stalks from the roof, and the dried leaves, which they usually burn as fuel. Thousands eat fuel-leaves, and thousands more die because they cannot get them. Then they sell their clothes and children. Having no more clothes, many take refuge in pits built under ground, to keep themselves warm by the fetid breath of the crowd, a course which is bought dearly. For the east suburb of Ching-chow City there are four such pits. One-third of the number, 240, originally put in them died within six weeks, and yet no sooner is a corpse carried out than a crowd is struggling for the place. All this wrought a great change in the spirit of the people. Late in the autumn they were strong and daring, and although life and property were then at their mercy, no popular disturbance of any kind has taken place. Now, the fare they had for many months has broken their spirits, and they are quiet and submissive to their dreadful fate. Starvation by inches faces these unfortunate people, and deputations of old men who come to beg relief weep like little children before you when they find there is none to be had. Not a day passes but one must refuse to many who ask it, perhaps the last bit they would have eaten.

The Chinese Government and the people of the other provinces do what they can, but the calamity is too great to be met by ordinary means. There is a government distribution of gruel to the value of six or eight cash per person per day. Many have lived on nothing else for two months, and are getting so weak that young men of twenty years cannot walk three miles for it. If it is so with youth, how must it be with the infant and the aged ? Even though the gentry have in many places doubled the government aid by their contributions, yet it is estimated soberly that there are districts in Liu-ku where half the people will not live to see the wheat-crop ripe, if no support comes from outside.

To all this there is added the one capital aggravating circumstance, the depreciation of the land to about 80 per cent. below its normal value. Next comes the fixing of an upward limit for the price of grain, thus preventing the influx of supplies from neighboring provinces. There has been no such famine as this in these parts for ninety years, since the fifty-first year of Kien-lung, (A. D. 1786.) The number of lives saved and orphans rescued will only be limited by the amount of money placed at the disposal of the distributors. Thousands may be tided over the famine at \$4 per head. Who



would not like to be the deliverer of fifty or a hundred human beings from starvation where nothing but money is to be given? These are the heart-rending accounts which reach us here daily. This is not pleading for charity to the poor, but for the ransom of their lives.

I therefore take the liberty to appeal to the Netherland consuls and my countrymen in this and the adjacent countries to give a helping hand during this exceptional famine and distress in the two above-named provinces of China. The Netherland consuls at Shanghai and, at Chefoo will receive all gifts collected by His Majesty's consuls at other ports in China, Japan, the Philippines, Hong-Kong, Macao, Cochin China, Siam, the Straits Settlements, and India, and hand these collections over to proper persons in the interior for distribution, of which an account will be published in due time, in the local papers of Shanghai, for the information of those who have responded to this appeal on behalf of our starving fellow-creatures in China.

I have the honor, &c.,

J. H. FERGUSON,

*His Netherland Majesty's Minister Resident and Consul-General in China.*

CHEFOO, March 1, 1877.

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No. 76.

*Mr. Seward to Mr. Evarts.*

No. 282.]

UNITED STATES LEGATION,  
Chefoo, June 21, 1877. (Received August 18.)

SIR: I have the honor to inform you that I am advised that machinery has already been received from England, through Messrs. Olyphant & Co., for the coal-mines near Keelung, in Formosa, and that the consul at Amoy writes, on what appears good authority, that engineers have gone to Formosa to construct a line of telegraph from the port named above to Taiwanfoo, and an expert from America has been sent for to report on the oil resources of the island.

The governor of Fuhkien is now at Foochow on sick-leave. His health has not been good for many years. As he is one of the few progressive officials in the empire, it is much to be hoped that he will have strength to carry out his projects.

I have, &c.,

GEORGE F. SEWARD.

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No. 77.

*Mr. Seward to Mr. Evarts.*

No. 284.]

UNITED STATES LEGATION,  
Chefoo, June 29, 1877. (Received August 18.)

SIR: I have the honor to hand to you herewith a letter which has been addressed to me by Messrs. Russell & Co., Frazer & Co., Olyphant & Co., Fogg & Co., Purdon & Co., and Farnham & Co., of Shanghai, who represent in effect all American commercial interests in China, in regard to the difficulties imposed upon them by the law which requires that the masters and officers of American ships shall be citizens of the United States.

These firms declare that "for many years it has been difficult to secure American officers for American vessels trading in these waters."

It is a matter within my knowledge that during the period of my

charge of the Shanghai office, from 1862 to 1875 inclusive, the rigid enforcement of the law in question would often have forced the owners or agents of our vessels engaged in this part of the world to lay up their ships or to transfer them to other flags. I have transmitted to the Department evidence that this condition of things has continued to the present time, and I agree with the writers of the inclosed letter in believing that the supply of American officers will be insufficient hereafter, although perhaps in a less marked degree.

Under these circumstances it would be well, in my opinion, to provide that whenever a consul is satisfied that an American master or officer, or officers of suitable character and qualifications cannot be procured by the owners or agents of any ship then being ready for sea in a port of his jurisdiction, he may allow a foreigner or foreigners to be shipped in the vacant place or places.

I may remark that the leading maritime country of the world, England, places no restriction whatever upon the employment of persons not British in her mercantile marine. I have never heard of any embarrassment resulting from their legislation, although their laws for the protection of seamen and of maritime interests generally are in all essential respects more strict than ours.

It may be said again, that our laws have already been changed somewhat in the direction of greater liberality. Formerly two-thirds of the mariners engaged on any vessel were to be American. This restriction has been removed, to the great relief of all interests concerned.

And again, the engineers of steamers hold places scarcely second in responsibility to the masters and mates. There is nothing in our laws, which, indeed, were framed before the day of steamers, requiring that they shall be citizens of the United States. If we can trust to foreign engineers, it is not evident why we cannot trust to foreign officers.

In my opinion, in fact, it would be well to allow ship-owners to engage masters, officers, engineers, and men alike in the open market, free from all restrictions of nationality. But as this is likely to be considered too liberal, I have suggested instead such legislation as would give a measure of relief without seeming to depart from the main object of much of our legislation, that is to say, the "protection" of the industries of all classes of our citizens. I think it well, nevertheless, to give expression to my views on the general questions involved.

Our navigation-laws provide, in effect, that no vessel can enter into trade under our flag, which has not been built in our own country. They require further, as we have seen, that the masters and officers of all our ships shall be Americans. This is called the "protection" of our shipping interests.

It is manifest, however, that it is not "protection" of the interests of the owner, but only of subordinate interests. The ship is built, not for the profits which the building gives to the shipwright, (that is a minor object,) but for those which the owner can make by her use extending over many years of time. So she is not sent on her voyage because the master and officers need employment. They are engaged to subserve the owner's interests, and they look to him for their pay.

It is manifest again, that whenever the employment of a vessel takes her on foreign voyages, she goes where she has to compete with the vessels of all the world, and that "protection" for ship-builders and crews, means practically discrimination against owners.

There was a time when wooden ships were doing the carrying-trade of the world, and, as we could build and man such vessels as cheaply as any other people, the unbounded activity of our countrymen won for us a

prominent position in navigation. Then came the period of iron steamships, and, as these could be built and handled by others more cheaply than by us, our shipping melted away like dew in the morning. It is idle to blame Confederate cruisers; the result would have been the same if never one of them had left port.

It would seem that the time is approaching when we can build iron steamers as cheaply as can be done abroad. But this alone will not put us on a par with the rest of the world. A steamer is an article of merchandise of a very expensive sort, whose value, however, does not depend so much upon the matter of cost, as of the use she can be put to. It may happen that acres of steam-tonnage may be lying useless in the docks of England, and the whole fleet of a great company be thrown out of employment as a result of vicissitudes of commerce. How, under these circumstances, can the American who is compelled to purchase his vessels in a limited market, compete on the high seas with those who are free to buy wherever they can do so to the best advantage?

A commentary on our legislation is afforded by the fact that an American company is to-day running a line of steamers across the Pacific Ocean under the British flag.

I write not without personal experience of the effect of our laws, and more particularly of a result which has grown out of what our legislators would perhaps consider a failure of legislation. You are aware that it has been held that our people are entitled to the protection of our flag for ships purchased by them, it matters not where, and that while they cannot engage with them, in the home trade, they can use such vessels on all routes which do not touch our territory.

It has happened in this way that Americans resident in this part of the world have enjoyed free trade in ships and have found it possible to enter successfully upon steam-navigation. It was only the other day that a fleet of twenty steamships which had been wearing our flag for a decade and a half was sold to a native company operating under the auspices of the government. Two or three of these vessels were of American origin; the others were purchased in the open market or built to order in England. If the company which owned them had been obliged to buy or build in America, their enterprise would have failed at a very early moment.

This chapter of the recent history of maritime enterprise is well worthy of the attention of Congress, and I hope that it may be thought appropriate to study the facts and lessons involved. The founder and constant patron of the company in question, Mr. Edward Cunningham, is now resident at Boston, and his evidence and that of his associates can be easily procured.

There is only one argument against free trade in ships which has seemed to me to be worthy of consideration. It is said that if our people are allowed to buy their vessels abroad we shall have no ship-yards at home, and the art of ship-building will be lost, to our misfortune in peace and war. To this I should respond that there is no occasion to throw our coasting-trade open to foreign or foreign-built vessels, and that it is sufficiently extensive to form, at least, a nursery for our building interests and a resource in case of need. But, if it be true that our ship-yards cannot compete with foreign yards, it follows that vessels built in them cannot compete with those built abroad, and that we must abandon the yards or the shipping, with the certainty that if we do not abandon the yards we shall have neither ships nor yards, excepting those which are needed for the coasting-trade or for subsidized lines.

I do not know one person, calling himself an American, who, upon entering a foreign port, does not look around for the flag of his country displayed from the shipping in harbor. Yet, how little interest do legislators take in the question, and when they do approach it, with what cumbrous devices do they propose to remedy the present unsatisfactory condition of things. Subsidies, bounties, and discriminating duties are talked of, and the simple and only effectual measure, free trade, is lost sight of. Meanwhile, commerce languishes; we wonder for what reason, and every one else wonders why we do not see the reason.

The question, however, is not merely sentimental, and the evil results are not measured by the decrease in the number of ships. Many interests suffer in consequence.

The protection of our manufactures has put them now in such position, it is said, that our cotton-spinners, for instance, could compete in the more distant markets of the world if they had suitable opportunities for the shipment of their goods. Away from England, in all directions, run the steamship-routes which have been occupied by her people.

There is a departure for China, via the Suez canal, nearly every day in the week. Open competition has brought down the rates of freight to a very low point. Capital follows the course of trade, and banking facilities of the most extended sort are at the command of shippers. So it happens that while we are making cotton goods as cheaply, perhaps, as the English, we cannot put them on the markets of the world. It will be the same with other manufactures.

It is no doubt true that our unstable currency and the high prices of money, material, and labor, which have prevailed with us, have been the chief agents affecting unfavorably our foreign trade. But it will be a mistake to suppose that with more satisfactory conditions existing in these respects we shall readily attain to a satisfactory position in commerce. At best we must work in opposition to countries (notably Great Britain) which have established their hold upon foreign markets, and can be defeated only, on what has become their own ground, by the most skillful and careful management.

Adherence to our present navigation-laws under these circumstances may defeat in whole or in great part the foreign enterprises of our people, leave us in the humiliating position of having no vessels to carry our products abroad, or to bring to our shores those which we purchase abroad, and preclude the hope of that general participation in commerce which seems to be necessary if we are to enjoy success in it.

I beg leave to ask, on behalf of the merchants at Shanghai, that their representation be laid before Congress, and with it this letter, if it shall seem to you worthy to be so dealt with.

I am, &c.,

GEORGE F. SEWARD.

[Inclosure.]

SHANGHAI, May 22, 1877.

SIR: You are aware that for many years it has been difficult, and at times practically impossible, to secure officers of our own nationality for American vessels trading in these waters. That this should have been the case is not surprising, when it is considered how great have been the navigation interests covered by our flag in this remote part of the world; the entrances and clearances of American tonnage at Shanghai alone having, we believe, for a long time exceeded those at any other foreign port. Most of these vessels have been employed exclusively on the river and coast waters of China, without ever visiting a home port, and their owners have therefore been compelled to fill vacancies on board as best they could, from the small and irregular supply of unemployed seamen on the spot.

It gives us pleasure to recall that, during the fourteen years of your incumbency as consul-general here, your earnest desire to promote American interests led you to do what you could to mitigate difficulties, the reality of which your constant knowledge of the facts enabled you to appreciate. You allowed our vessels to go to sea with foreign officers; when a refusal to do so would have compelled us to tie them up at the wharves or to transfer them to foreign flags, and we are glad to understand that our government, while advised of your action, never saw fit to overrule it.

We cannot say what will be the course of our shipping interests in the future; but, at the present moment, the difficulty to which we refer continues in spite of the recent transfer of the fleet of an American company to Chinese owners, and we see no reason to expect that the supply of American officers will not remain as insufficient as it has been heretofore.

Looking at this state of things, it seems very desirable that the facts be properly represented to the government at Washington, with a view to secure appropriate legislation. We feel that we can safely trust to your excellency's long official experience for the best suggestion of a remedy, but we may say that an amendment of existing laws, which would allow vessels in foreign ports to ship foreign officers where those of our own nationality cannot be had, would meet our views and give us more freedom and certainty in the conduct of our shipping enterprises.

With this expression of opinion we beg to leave the matter in your hands for consideration, and we should be glad if you would forward this letter to the government, with such approval or further comment as you may deem proper.

We have the honor to remain, sir, your friends and fellow-citizens,  
 RUSSELL & CO.  
 FRAZER & CO.  
 OLYPHANT & CO.  
 JOHN G. PURDON,  
*Of Purdon & Co., China.*  
 H. FOGG & CO.  
 S. C. FARNHAM & CO.

His Excellency GEORGE F. SEWARD,  
*United States Envoy Extraordinary and Minister Plenipotentiary, Peking.*

No. 78.

*Mr. Seward to Mr. Evarts.*

No. 296.]

UNITED STATES LEGATION,  
*Chefoo, July 10, 1877. (Received August 18.)*

SIR: It is undoubtedly true that the ports opened to foreign trade under the Chefoo convention have not, so far, answered to the expectations of the mercantile communities. A recent editorial article in the Daily News of Shanghai comments on this fact, indicates the reasons, and states the direction in which the ports will, after a time, prove of decided advantage to trade. The views expressed entirely accord with my own, and I commend them to your attention.

I have, &c.,

GEORGE F. SEWARD.

[Inclosure.]

[From the North China Daily News.]

It was not be expected that merchants would rush to the new ports, as was done at the opening of Tientsin and Hankow. The places now opened to foreign trade are of less importance, and experience has shown that the value of new outports is rather as affording fresh points of contact than as affording remunerative business to resident foreign merchants. They enable foreign merchandise to be laid down nearer the door of the consumer, at a cheaper cost, therefore, as regards freight, than if they were subjected to various transshipments, and with a greater certainty of escape from *likin* taxation in transit than when they are traveling in native bottoms. But instead of buying on the spot from foreign merchants, the native dealers are tending more and more to go to Shanghai to make their purchases, availing themselves only of the mar-

chinery of steamer transports to lay down their goods at their own place of trade. Obviously, the resident foreign merchant, then, has little opportunity; except at special seasons at Hankow and Foochow during the tea-season, for instance, there is little occupation except for a few commission houses. The great bulk of the business is done at Shanghai, which tends more and more to become a commercial emporium, whither produce is brought, and whence foreign goods are sent out from and to the whole of the Yangtze and northern ports. But even taking all of these circumstances into consideration, it must be admitted that the opening of the new ports has fallen remarkably flat. It might have been expected that two or three foreign houses would have been at once established at each of these new ports in which Shanghai is interested, but Wên-Chow seems, as yet, to be the only place at which the experiment has been made. Of Ichang we know as yet but very little. Its chief value lies probably in its being the head—so far, at least, as the present class of steamers is concerned—of the navigation of the Yangtze. Sha-si, a little lower down the stream, which is made only a port of call, seems to be the chief place of trade. But we may take it for granted that steamer-agencies will shortly be established at Ichang, and we shall gradually learn more about its capabilities. Wên-Chow and Wuhu, however, seem to be the natural outlets for fertile and well-watered districts, and might become places of considerable trade if foreign energy and capital were brought to bear upon their development. Clearly they are not places where foreigners can expect to go and pick up a business ready made. They are not places where those who have been unfortunate elsewhere can hope to rapidly retrieve their fortunes. They are sites of a considerable native trade; but if this trade is to be developed so as to be of value to foreigners, capital and energy are required to collect produce which used to permeate through other channels. Both are natural outlets for tea-producing districts; but such teas as now find their way to foreign markets do so through other channels—to Foo-Chow, Ningpo, and Chin-Kiang. For the present year these teas have been already contracted for, and will follow their old routes. If foreign capital is employed next year, they can probably be collected at the new emporia, and will presumably be laid down there at a cheaper price in view of the shorter distance to be traveled. It is as advantageous to a merchant to buy produce as near as possible to the place of production, as it is to land his goods as near as possible to the place of sale; and herein is one object of opening new ports, multiplying points of contact. Even if foreign merchants do not attempt to develop a local business, the providing of greater facility of carriage will no doubt lead the native dealer to collect produce at the nearer port instead of sending it overland to the dearer one. Before the Tae-ping rebellion, Wên-Chow seems in fact to have been the emporium of a considerable tea trade, the port where the produce of all the neighboring districts was collected; but this concentration was only an element of temptation to the Tae-pings; so the producers elected to disperse their trade through the neighboring minor ports, and it has since continued in the fresh grooves. The opening of the port to foreign trade will probably have the effect of again attracting business to its old center.

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 No. 79.

*Mr. Seward to Mr. Evarts.*

No. 299.]

UNITED STATES LEGATION,  
*Chefoo, July 11, 1877.* (Received August 18.)

SIR: I have the honor to hand to you herewith two slips cut from the North China Daily News and the Celestial Empire of the 7th instant, reporting an attempt to burn the building at Shanghai occupied by the consulate-general.

I have no official report from Mr. Bradford, but I learn unofficially from him, and from Mr. Holcombe, who was in Shanghai at the time, that they have not been able to obtain any trace of the incendiary.

All of the really important records of the office are kept carefully in large fire-proof safes, and would have been saved probably even if the building had been burned. Ships' papers are kept also in an iron safe, but of less solidity. The building is the one which was constructed after plans prepared by myself, and which were sent to the department two years ago or more.

I have, &c.,

GEORGE F. SEWARD.

[Inclosure 1 in No. 299.]

[From the Daily News of July 7, 1877.]

## ATTEMPTED INCENDIARISM AT THE UNITED STATES CONSULATE-GENERAL.

On Thursday evening, about a quarter past eight, the watchman at the United States consulate-general discovered flames issuing from the upper part of a window in the stationery-room. He immediately gave an alarm, and the jailer hastened to his assistance, and got into the room. Fortunately the flames had not taken firm hold, and water being at hand, they were extinguished before much damage was done. Examination showed that the fire was beyond doubt the work of an incendiary. Some newspapers had been torn into strips, and with a pasteboard box placed on a deal form, on which a quantity of other paper was also put, while close by was a ream of coarse wrapping-paper and many more packages, altogether forming materials for an extensive blaze, which but for being discovered and checked in time would have speedily communicated with the building itself. As it was, the floor was charred, and the flames had ascended high enough to ignite the transom crossing the top of the window. That the incendiary was well acquainted with the interior arrangement of the building is clear, from the fact that a stranger could not have known the position of the stationery-room, which is situated on an upper story, access to it being gained through a small anteroom, which is entered from a corridor. This anteroom has three doors, the lock of each of which was fitted with an iron key. One of these keys is missing, and in one lock was found a brass key. Another conclusive proof that the incendiary knew the premises, and also the arrangements for watching them, is afforded by the mode in which he made his exit after putting his villainous design in practice. The door of the public entrance to the consulate is fastened with a dead-latch, opening only from the inside, and this was the only door by which he could have left the building, all the others communicating either with the interior or rear. The watchman states that he saw no one either enter or leave the building, and the supposition is that the incendiary must have concealed himself on the premises before the offices were closed after the day's business. Mr. Bradford, the vice-consul-general, was dining out, and on his return made a thorough investigation, the result being that a box of matches, from which some had been taken, was found; and on the floor, close to where the fire had been, were found a number of matches which had been struck, but owing to dampness had not ignited. Further inspection yesterday morning showed that several reams of paper were missing, and that a hand-trunk, containing men's clothes, which had previously been stored in the stationery-room, had been taken down-stairs and secreted under a table in the post-office, quite out of sight; but it seems certain that robbery was not the object of the incendiary, for private rooms, in which a good deal of valuable portable property was lying exposed, did not appear to have been entered, as nothing was disturbed. The affair altogether is mysterious, as no motive can be assigned for it; but it has been placed in the hands of the police, though at present there is no clew to guide them.

[Inclosure 2 in No. 299.]

[From the Celestial Empire of July 7, 1877.]

An attempt was made on Thursday evening, by some person or persons unknown, to burn down the United States consulate. The would-be incendiary, who was evidently well acquainted with the premises, seems to have set fire to some paper in the room devoted to the storing of stationery, and which is always kept carefully locked. The fire was seen by the watchman about 8 p. m., when the foreign jailer was called out and the conflagration extinguished before any damage had been done to the building or the contents of the room. The watchman must have discovered the fire very shortly after it had been kindled.

## DENMARK.

No. 80.

*Mr. Cramer to Mr. Fish.*

No. 405.]

LEGATION OF THE UNITED STATES,  
*Copenhagen, December 8, 1876. (Received December 27.)*

SIR: I have the honor to inform you that the political situation here is extremely unsatisfactory to the public.

About a year ago the lower house of the Rigsdag, the opposition or peasants' party being in the majority in that house, was dissolved and new elections were held, both by order of the King. But a still larger opposition majority was returned to that house.

On the 2d of October last the ordinary annual session of the Rigsdag was opened without a "speech from the throne." Since then the opposition majority in that house has pursued a course of systematic opposition by rejecting all, or nearly all, the bills introduced by the ministry that have a political coloring or significance. The most important among them are the bills contemplating the reorganization of the army (as provided in the existing army law) and navy; the modification of the tariff; the construction of new forts and war-vessels, &c. The discussion of the financial bill has also thus far been delayed. (The Danish fiscal year closes with the 31st of March of each calendar year.)

Now, according to the constitution of Denmark, the Rigsdag cannot be in session longer than two months at a time without the consent of the King. The first two months of the present session having expired on the 2d of this month, the president of the ministry on that day communicated to both houses of the Rigsdag a royal resolution, by which its session is prolonged till the 2d of February next. It is doubtful whether the King will prolong the session beyond that date, unless the lower house should show a will to pass the financial bill before the close of the present fiscal year. That this will be done, is extremely uncertain. On the contrary, it appears to be the intention of the opposition majority in the lower house (the upper house having a large majority on the side of the government) either to compel, if possible, the present ministry to resign, and the King to select a ministry from among themselves, or, in case this is not done, to refuse to pass the financial bill, and thus to cut off the means of carrying on the government.

Now, it is well known here that the King has an intense aversion to select a ministry from among the opposition or peasants' party; and the present ministry has also declared that, possessing, as it does, the full confidence of the King, its members will not resign unless men could be found strong and influential enough to carry all the proposed measures through the Rigsdag. Thus, the lower house on the one side, and the upper house and the executive government on the other, have virtually come to a dead-lock in legislative matters. What will be the outcome, is difficult to conjecture. It is supposed that, if the lower house refuses to pass the financial bill, or passes it in such a form as to be unacceptable to both the upper house and the ministry, the latter will then adopt a provisional financial law; in which case the lower house would impeach the ministry before the Rigsret. The much-discussed question, whether a ministry has the right to adopt a provisional financial law in case the regular financial law has, for some reason or other, failed to be



passed by the Rigsdag, would then have to be settled by the Rigsret. The Rigsret, whose sole business is to decide constitutional questions, is composed of the ordinary members of the supreme court of the kingdom together with an equal number of members of the upper house of the Rigsdag, who are elected by that house for a term of four years. How the question referred to would be decided by the Rigsret, no one has ventured, so far as I am aware, to express a decided opinion.

It appears that Denmark, if it has not yet arrived, will soon arrive at a constitutional crisis; and while there is much dissatisfaction at this state of things among all classes of the population, it has as yet produced no disturbance of the public peace, and it is not likely that it will.

I am, &c.,

M. J. CRAMER.

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No. 81.

*Mr. Cramer to Mr. Evarts.*

No. 423.]

LEGATION OF THE UNITED STATES,  
*Copenhagen, April 9, 1877. (Received April 26.)*

SIR: Referring to my dispatch No. 405 of the 8th of December last, in which I stated that the political situation here was extremely unsatisfactory to the people; that the united left or peasants' (anti-governmental) party had a large majority in the lower house of the Rigsdag, while the national liberal (governmental) party had a large majority in the upper house; that the two houses would in all probability be unable to agree on the financial bill; that it appeared to be the intention of the opposition party in the lower house either to compel the present ministry, like two of its predecessors, to resign, and the King to select one from among themselves, or to refuse to pass the financial bill in an acceptable form; that the King had an aversion to selecting a ministry from among that party; that in case that bill failed to become law the executive government would in all probability adopt a provisional financial law, &c., I have now the honor to further inform you that the dreaded constitutional crisis has arrived.

On the 2d of October last the ordinary session of the Rigsdag was opened, and on the 4th instant it was closed, after both houses had failed to agree on a financial law, by order of the King. As a last resort the financial bill was, a few weeks before the adjournment of the Rigsdag, referred to a joint committee composed of fifteen members from each house, sixteen members of which belonged to the governmental party and fourteen to the anti-governmental party. Mutual concessions having been made, it had at one time the appearance as though an acceptable compromise could be arrived at. But just at that moment a member of the opposition party proposed a resolution to the effect that the joint committee declare it as its sense that a financial law could not be agreed upon unless the ministry resigned. The majority of the committee rejected this resolution, and there being now no longer a chance for a compromise, adopted one recommending to the Rigsdag the adoption of the financial bill in the form in which it had been passed in the upper house; while the minority report recommended the adoption of that bill in the form in which it had originally been passed in the lower house. When this subject was the order of the day in that house,

the president of the ministry asked twice for permission to speak thereon, but the speaker simply ignored him, though the constitution gives the ministers the right to speak on all legislative and political questions as often as they think it for the best.

The joint committee having failed to agree upon a compromise, the two houses refused to recede from the positions which they respectively occupied previous to the appointment of that committee. Hence, no financial law was passed for the fiscal year 1877-'78; that of the previous year remaining in force only until the fifteenth of this month, and, therefore, Denmark has now no regular financial law, unless the executive government adopts a provisional one, which, according to the constitution, it has a right to do under certain circumstances. In the event of a provisional financial law being adopted by the executive government, then the Rigsdag must be called together within two months from the date of such a law for the purpose of ratifying it. Should the Rigsdag refuse to sanction it, then the ministers who countersigned it are to be impeached before the Rigsret, by the lower house of the Rigsdag. (How the Rigsret is composed, I have described in my dispatch No. 405, of the 8th of December last.) Should the Rigsret acquit the ministry, this verdict would be a virtual official declaration that the executive government had the right to adopt a provisional financial law whenever the two houses of the Rigsdag could not agree in passing the regular annual financial law. On the other hand, should those ministers be found guilty of having violated the constitution of the kingdom, that decision would be equivalent to a denial of the right of the executive government to adopt a provisional financial law under any circumstances.

It has not yet transpired what the executive government will do in the present crisis. They have, as yet, only seven days in which to decide upon a course of action. According to reports there is a good deal of excitement among the inhabitants of the different provincial districts, though no disturbance of the peace has as yet taken place. The population of Copenhagen is quiet, the majority thereof being on the side of the government.

As to the probable causes or motives of the present constitutional crisis the following may be observed:

1. The constitution gives the King the sole and absolute right to appoint his ministers. Neither the Rigsdag as a whole, nor any one of its two houses, nor any political party, has a right to give advice or consent, or in any way to interfere in the matter. The constitution is silent on the question whether the ministry should or should not be in harmony with the majority of any one of the two houses of the Rigsdag; hence it does not contemplate a pure parliamentary form of government.

2. The constitution grants to neither one of the two houses of the Rigsdag a preponderating influence in legislative matters. Both have the same rights and powers, except that the minister of finance is required to submit the financial bill first to the lower house.

3. It is evident from the course pursued by the united left or opposition party during the past six or seven years, as well as from the tone and purport of the speeches and addresses delivered by their leaders, that they desire, (1) to ignore or curtail the rights and powers of the upper house; and (2) to encroach upon or arrogate to themselves some of the rights and prerogatives of the Crown, in that they, through the financial bill, endeavor to compel the King to appoint a ministry in harmony with their wishes. In other words, they wish to introduce a pure parliamentary form of government, similar to that of England or of Greece, which, however, is not contemplated by the constitution.

It is but natural that both the Crown and the upper house of the Rigsdag should sacredly guard the rights and powers secured to them respectively by the fundamental law of the land. They are determined not to permit the majority of any party in the lower house to dictate to them terms of peace, or virtually to rule the country through its committee of finance. Hence, under these circumstances, the King has, up to the present time, refused to yield to wishes of the peasants' party in the matter of appointing his ministers, especially since they are said to have sometimes been expressed in a spirit and form not at all in harmony with the spirit of the constitution and the character and prerogatives of the Crown. Besides, it is also said that another reason why the King hesitates to appoint ministers from among that party, is, that it possesses no members sufficiently able and qualified for such positions. Whether this is so or not, I am unable to judge. This judgment appears, however, to be too hasty, if not too disparaging, before an opportunity is given to try the ability and qualification of the leaders of that party in ministerial positions, and it is but natural that they should resent it by making all the opposition they can. Hence, purely personal, if not selfish, motives have had and still have much to do in bringing about the present constitutional crisis.

I have, &c.,

M. J. CRAMER.

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No. 82.

*Mr. Cramer to Mr. Evarts.*

No. 424.]

LEGATION OF THE UNITED STATES,  
*Copenhagen, April 14, 1877. (Received May 3.)*

SIR: Referring to the last dispatch from this legation, No. 423, of the 9th instant, in which you were informed that the constitutional crisis in Denmark, so long threatening, had at last set in, that the Rigsdag had failed to pass the financial law for the current fiscal year, April 1, 1877, to March 31, 1878, and that the executive government would in all probability issue a provisional financial law, I have now the honor to further inform you that the King, on the 12th instant, issued such a law under his royal seal and signature and countersigned by his cabinet ministers. It is entitled "A provisional law to regulate the revenues and expenditures until the financial law is given for the fiscal year commencing with April 1, 1877, and closing with March 31, 1878," and translated, reads as follows:

We, Christian the Ninth, &c., &c., make known: That, since in the ordinary session of the Rigsdag which was closed on the 4th of this month, no agreement has been arrived at between the Folkething and the Landsting on the financial law for the fiscal year 1877 to 1878, we have found it necessary, in accordance with Article XXV of the constitution, through this provisional law, to make such arrangements as are required by the general welfare, in order that the government of the state may be carried on without interruption. Therefore, we order and command as follows:

§ I. Until the financial law for the fiscal year April 1, 1877, to March 31, 1878, is given, the government is authorized to meet the necessary current expenses according to the regulations heretofore in force; yet so as not to exceed the total sums and items mentioned in the financial bill for the said fiscal year submitted to the Rigsdag, and, also, to meet those expenses allowed by both the Folkething and the Landsting under the single reading of said bill on the 31st of March of this year, as well as to collect the existing taxes and imposts.

§ II. This law is to go into force on the 16th of April, 1877, and all whom it may concern are to govern themselves accordingly.

To the law, as published in the government journal, is appended a memorandum addressed to the King and signed by the ministers, reciting the history of the present constitutional crisis, or of the conflict between the lower house (Folkething) of the Rigsdag on the one side, and the Landsting (upper house) and the ministry on the other. The substance thereof is contained in my No. 423.

Article XXV of the Danish constitution referred to by the King in his provisional financial law reads, when translated, as follows :

The King has the power, in case of urgency, when the Rigsdag is not assembled, to decree provisional laws, provided they are not contrary to the fundamental law. These laws are always to be submitted to the Rigsdag at its following session.

The first part of Article XLVII of said constitution, having reference to taxes, reads thus : " No taxes can be established, modified, or abolished, except by law ;" and Article XLIX, having reference to the collection of taxes, reads thus : " Taxes should only be collected after the adoption of the financial law ; and no expenditures shall be made which have not been authorized by the said law, or by a supplementary credit."

According to the three articles quoted above, the provisional financial law issued by the King and countersigned by his ministers is, in my opinion, to be judged.

A noteworthy fact may be mentioned, namely, that since the adjournment of the Rigsdag quite a number of resolutions and addresses adopted at political meetings held in various parts of the kingdom have been sent to the president of the ministry, expressing not only disapproval of the course pursued by the opposition party, but also entire confidence both in the King and the ministry, and encouraging them in their struggle to maintain the rights both of the Crown and the upper house of the Rigsdag.

No disturbance of the public peace has as yet anywhere taken place.

I have, &c.,

M. J. CRAMER.

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No. 83.

*Mr. Cramer to Mr. Everts.*

No. 434.]

LEGATION OF THE UNITED STATES,  
Copenhagen, August 18, 1877. (Received September 3.)

SIR: Referring to my dispatches Nos. 423 and 424, of the 9th and 14th of April last, in relation to the unsatisfactory state of public affairs in consequence of the failure of the two houses of the Rigsdag during its late session to agree upon a financial law, and of the promulgation by the King, upon the advice of his ministers, of such a (provisional) law, &c., I have now further to inform you that public feelings are still in a state of excitement on the subject. Both political parties (the national liberal or ministerial party and the united left or peasant party) are as unyielding and determined as ever. At a series of political meetings that have been held during the course of the summer at various points throughout the kingdom, the speakers of the latter party denounced the provisional financial law as unconstitutional, while the speakers of the former party in a measure defended it; though they generally limited themselves to the declaration that it is the business, not of political

speakers, but of the Rigsret, (a court specially created for deciding constitutional questions) to determine the constitutionality of said law. But whenever political papers or speakers used language derogatory to the honor or character of the King or the ministry, the latter caused, immediately, suits for slander to be instituted in the proper courts against such offenders.

In this connection it may be well to state that up to the present time no excesses or riots have taken place. The people throughout the kingdom are generally quiet and law-abiding. Only two or three persons, so far as I am aware, have refused to pay taxes on the plea that the financial law was unconstitutional, but they were compelled by the proper courts to yield. It is a strange political phenomenon that in Denmark the people in cities and larger towns are generally conservative, *i. e.*, on the side of the executive government; while the people of the rural districts are generally radical and belong to the opposition party. In France, and to some extent in Germany, the reverse is the case.

A careful observer will discover the existence in Denmark of two political counter-currents: (1) a dissatisfaction with, and private denunciation of, universal suffrage on the part of the wealthy and cultivated classes, and (2) a radicalism leaning strongly toward republicanism on the part of the peasants and the laboring classes. It is not likely, however, that it will ever come to an open or violent collision between these two classes, because the executive government is not only prompt and determined to suppress any and every attempted revolt, but has also the means at its disposal to do so, while that class of the population who, from their known character and wishes, might be expected to venture upon such an enterprise, have a wholesome dread of coming into collision with armed authority.

I have, &c.,

M. J. CRAMER.

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No. 84.

*Mr. Cramer to Mr. Evarts.*

No. 435.]

LEGATION OF THE UNITED STATES,  
*Copenhagen, August 21, 1877. (Received September 10.)*

SIR: Referring to my dispatch No. 432, of the 17th instant, informing you of a rumor in relation to the intended sale, by Sweden to France, of the island of Saint Bartholomew, West Indies, I have now the honor to further inform you that I read a notice in the leading daily journal of this city, of last evening's date, to the effect that, according to a Stockholm journal, the sale of said island, by Sweden to France, had been effected a short time ago. The terms of the sale have not yet been made public.

I am, &c.,

M. J. CRAMER.

## FRANCE.

No. 85.

*Mr. Washburne to Mr. Fish.*

No. 1369.]

LEGATION OF THE UNITED STATES,  
*Paris, September 13, 1876. (Received September 28.)*

SIR: I have the honor to send you inclosed herein a letter of Mr. A. de Gogorza to the President, with whom, it appears, he has had personal relations.

Mr. de Gogorza, as you are certainly aware, is the author of a scheme of great interest to the United States—a canal across the Isthmus of Darien, and to the furtherance of which he has devoted twelve years of labor. He writes to the President to call his attention to that scheme, which seems to be in the way of being seriously considered.

Notwithstanding his Spanish name, Mr. de Gogorza is an American by birth, and so are his children; his father, a Frenchman, was naturalized in New York in the last century; he has lived, however, for years in the United States of Colombia, and availed himself of the facilities furnished to him to explore the Darien Isthmus.

After two different explorations, he satisfied himself that a natural passage had once existed between the two oceans from the Gulf of Uraba, on the Atlantic coast, to the Gulf of San Miguel, on the Pacific side, by way of the Atrato, Cacarica, Paya, and Tuyra Rivers, and that such passage could be opened again. He succeeded in convincing the Colombian Government of the soundness of his views, and secured a concession giving him the privilege to cut a canal along the route he had discovered.

It seems that he first looked toward our government and people to promote his scheme, but for some reason or other he failed to get our assistance, and repaired to France, where he has been very active, and where his efforts were not altogether unsuccessful. He brought the subject before the international geographical congress held here last year, as well as before the French Geographical Society, and pressed it in such a way that this society determined to take the matter in hand. In March last it decided that a French "committee of initiative" should be appointed, the duties of which were to invite all the geographical societies of the world to co-operate in a definitive exploration of the American isthmus, not only by the material means they could dispose of, but particularly by bringing their influence and credit with the governments of the countries in which they were located in favor of such exploration.

The members selected to compose that committee are distinguished and well-known men, whose character and standing give them a title to public confidence. They are, Messrs. Ferdinand de Lesseps, president, member of the Institute, director of the Suez Canal Company; Admiral Baron de la Roncière le Noury, senator, president of the Society of Geography; Meurand, honorary president of the Society of Geography, president of the Commission of Commercial Geography, director of the consulates at the foreign office; Delesse, chief engineer of the mines; Malte-Brun, president of the Central Commission of the Geographical Society; Levasseur, member of the Institute, vice-president of the Society of Geography; Foucher de Careil, senator, member of the Society of Geography; Cotard, engineer, member of the Society of Geography;

Henri Bionne, late officer in the French navy; Maunoir, general secretary of the Society of Geography; Hertz, general secretary of the Commercial Commission of the Society of Geography; Léon Drouillet, engineer, member of the Society of Geography.

Of course, this committee is committed to no particular project, but its only object is to create an international board, under whose scientific direction complete investigation could be made of the geographical problem involved in the cutting of a canal through Central America. The French Government has given a subvention to the committee, and has connected with its board a member of the French consulate, Mr. Verchère, who will report as to the progress of the investigations which they may make. I cannot tell you how far this committee has succeeded, but its president, Mr. de Lesseps, has addressed me to ask my assistance and to request that I should call the attention of my government to the subject. The association of M. de Lesseps with this undertaking is not without its significance. One of the most distinguished of living engineers; a man of the highest character and intelligence, and exercising great influence in the scientific and financial world, the interest he is taking in the matter is calculated to strengthen the project in the estimation of all persons who concern themselves in its development. I forward herewith two pamphlets the committee has sent to me, which fully explain its views.

The work of such commissions is always very slow, however, and Mr. de Gogorza, though confident that no other passage can be opened between the two oceans but the one he has discovered, has organized a company for the purpose of proceeding at once to the necessary scientific surveys and estimates preliminary to the creation of his Darien Canal Company. The directors of this provisional company are General Turr, aid-de-camp of the King of Italy; Charles Cousin, inspector-general of the Northern Railroad Company; Eugène Rampon, late consul-general to Colombia; G. Reniad, banker.

According to the stipulations of the act of concession, the Colombian Government has the right to take part in the proceedings of that company; and it has appointed for that purpose its minister to France and England, Mr. Zapata, and a special delegate, Dr. Joaquin Sarmiento, director of the Bank of Bogotá, who has just arrived in Paris. These gentlemen are about to form a commission of engineers, which will repair at once to the isthmus. It is their intention, I understand, to give an international character to the enterprise, and to call on all the maritime governments for assistance, when the engineers will be ready to begin their operations.

I am assured that the Italian minister at Washington has already been instructed to make the necessary steps in that direction. Mr. De Gogorza, in the letter he has addressed to me, states that the assistance required would be the appointment of an American engineer to join the commission of survey to be sent over the coming winter, and such help as the United States naval officer in command at Panama would be able to lend to the commission.

I have thought that in view of the vast importance of this great undertaking, and of the serious character which it has now assumed, our government will not hesitate to associate itself in all proper measures looking to a full development of this enterprise, which is now challenging the earnest attention of the great maritime powers of the world.

I inclose in the pouch a few copies of M. de Gogorza's pamphlet, addressed to members of our observatory and coast survey.

I have, &c.,

E. B. WASHBURNE.

No. 86.

*Mr. Washburne to Mr. Fish.*

No. 1381.]

LEGATION OF THE UNITED STATES,  
*Paris, October 11, 1876. (Received October 26.)*

SIR: On the 5th instant the members of the Chamber of Commerce of La Rochelle addressed to me a communication pointing out the inconvenience which will arise for the dealers in spirits in that port from the suppression of the United States consulate there, and requesting me to urge their case before my government.

It is impossible for me to comply with the request of the petition to urge the re-establishment of the consulate at La Rochelle. I do not think there is the least necessity for a consul there, and in my judgment Congress acted wisely in abolishing the consulate there and at Nantes. It is possible that it would be well enough to have a consular agent at La Rochelle, attached to the Bordeaux consulate, but of that I am not in a position to speak positively.

I have, &amp;c.,

E. B. WASHBURNE.

[Inclosure.—Translation.]

LA ROCHELLE, October 5, 1876.

*The members composing the Chamber of Commerce of La Rochelle  
to the United States Minister at Paris:*

MR. MINISTER: The Chamber of Commerce of La Rochelle has learned through the papers that the United States consulate established at La Rochelle was to be transferred to Cognac.

The chamber comes to express to you how deeply it would regret such a measure, if in reality it is to be taken.

We admit that since a few years the American ships have not often visited the port of La Rochelle, but the very important commerce of brandy which is carried on between the United States and the localities situated within the limits of action of this chamber would suffer a great deal from the inconvenience and loss of time following the obligation of calling at Cognac, at twenty-five leagues from here, to get the required certificates which are to accompany the numerous shipments of spirits made from La Rochelle to Bordeaux and from thence to the United States.

The Chamber of Commerce of this port ventures to hope that after having pointed out to you the inconvenience of the suppression of the consulate of La Rochelle, you will consent to employ the legitimate influence you have acquired to induce your government to maintain that consulate.

We have the honor to be, &c., the members of the Chamber of Commerce.

(Here follow signatures.)

No. 87.

*Mr. Washburne to Mr. Fish.*

No. 1385.]

LEGATION OF THE UNITED STATES,  
*Paris, October 13, 1876. (Received October 26.)*

SIR: On the 7th of July last, Mr. Hitt had the honor to inform the Department that a deputation from the Polish colony at Paris had called at the legation on the 4th day of that month to state that they were preparing an address of congratulation to the President upon the centennial of the republic, and also a medal commemorative of the part taken in the war of our Independence by Kosciuszko and Pulaski.



The medal at that time was not yet completed, and many circumstances have delayed its completion up to this moment. Yesterday it was brought to the legation, by a committee selected for that purpose, and delivered to me with the address to the President. Mr. Chas. Edmond, who spoke for the committee and for his compatriots, made a few spirited and warm remarks appropriate to the circumstances, to which I endeavored to respond in the same manner. I send you with this dispatch the address and the medal, which is in bronze, bearing on one face the portraits of Kosciuszko and Pulaski, and upon the other that of Washington.

I also send you a copy of the remarks of Mr. Edmond and my reply thereto.

I have, &c.,

E. B. WASHBURNE.

[Inclosure.]

REMARKS OF MR. CHAS. EDMOND.

In the name of the Polish emigrants I beg to deliver into your hands an address to the President of the United States, written on the occasion of the glorious centenary they are commemorating; also a medal, representing by the side of the founder of American Independence the effigies of the two Polish heroes who fought in the ranks of the liberating army.

Allow me at the same time to thank you for the hospitable reception which was given on that occasion to the committee of the Polish colony and its president by the legation of the United States.

REPLY OF MR. WASHBURNE.

GENTLEMEN: I shall take pleasure in complying with your desire that I shall transmit to the President of the United States an address written on the occasion of the one hundredth anniversary of American Independence, as well as the medal representing the founder of that independence, in conjunction with the two Polish heroes, Kosciuszko and Pulaski, who illustrated their heroism and bravery in the ranks of the Revolutionary Army, and the first of whom sealed with his blood his devotion to the cause of liberty and human rights. In awaiting an answer from the President, I feel authorized to assure you that he will be deeply touched by the address and the medal which you do him the honor to send him, for, in common with all the American people, he cherishes the memories of your noble compatriots with pride and gratitude.

Thanking you, gentlemen, for the honor you have done me in making me your intermediary on this occasion, I beg to share your hopes for the establishment of liberty and justice throughout the civilized world.

No. 88.

*Mr. Washburne to Mr. Fish.*

No. 1393.]

LEGATION OF THE UNITED STATES,  
*Paris, November 1, 1876.* (Received November 13.)

SIR: On Friday evening last there appeared in a Paris newspaper, called the Figaro, a letter signed Du Sommerard, who is the general commissioner of France "près les Expositions Universelles." It was stated to have first appeared in a Vienna journal, and it was translated into French, for publication in the Figaro, by the correspondent of that paper in Vienna. I have made a careful translation of the letter into English, and I make it a part of this dispatch, marked A.

I did not see the letter till my attention was called to it late in the afternoon of the same day by several of our countrymen, who, as you

may readily imagine, were in a state of great excitement. On the next day, in view of the extraordinary character of the letter purporting to come from a high French official, specially connected with the Philadelphia exhibition, and the monstrous charges contained in it, I deemed it proper to call the attention of the minister of foreign affairs to its contents, and to address him a communication on the subject. I took my letter in person to the Duke Decazes on Saturday afternoon. He had not seen the letter in the Figaro. I handed him a copy of the paper that contained it. He read it carefully and expressed his utmost astonishment at its contents; said that it seemed incredible that any French official could have written it, and that his government would totally disavow all responsibility for it. After further conversation in regard to its character, he said he should take an early opportunity to give me "une réparation éclatante."

On the same evening I sent you a telegraphic dispatch as follows:

FISH, *Washington*:

Paper publishes monstrous libel of Mr. Du Sommerard, French commissioner, on exhibition and American people. Intense indignation among Americans. Have addressed Duke Decazes. Shall I telegraph my letter and his answer?

WASHBURNÉ.

During the night I received the following answer from you:

Minister WASHBURNÉ, *Paris*:

Telegraph letter and reply.

FISH,  
*Secretary.*

On the next morning, Sunday, the 29th ultimo, the following notice appeared in the Journal Officiel, which you know is the official government organ:

A letter wounding to a great and friendly nation has been published in a foreign newspaper, reproduced in a French newspaper, and attributed to a high functionary of the Philadelphia exhibition. The government hopes that the document is apocryphal. It has demanded explanation of the functionary, who is at present absent from Paris. It awaits his reply to decide upon this regrettable incident.

On Sunday afternoon I sent you the following telegraphic dispatch:

PARIS, October 29, 1876.

FISH, *Washington*:

I send my letter of yesterday to Duke Decazes. Will send his answer soon as received. The official journal this morning states that a letter wounding to a great and friendly nation, attributed to a high functionary connected with Philadelphia exhibition, appears in a French journal; that the government has demanded explanation, and awaits an answer from him to determine its action on the painful incident.

"PARIS, October 28, 1876.

"MY DEAR DUKE DECAZES: I have read with amazement the extraordinary letter published in the Figaro of yesterday over the signature of Du Sommerard, who is the general commissioner of France *près les Expositions Universelles*. Were this a letter from a private individual, I should deem it utterly unworthy of notice; but being from a high functionary of the French Government, having official connection with the American Centennial Exposition, I should be forgetful of my duty and all the obligations I owe to my government and to the people of the United States did I not hasten to denounce to you the charges contained in the letter touching the exposition, against my country, its magistracy, and even its women, as the most monstrous calumnies. The substance of the letter has not only been already telegraphed to the United States, where it will excite the most profound indignation among all classes, but I shall deem it my further duty to call the attention of Mr. Fish to the outrageous and slanderous imputations on the American people by the French commissioner.

"I have the honor to be, &c.,"

E. B. WASHBURNÉ.

On Monday morning the *Figaro* published the following letter from Mr. Du Sommerard :

SUNDAY, *October 29, 1876.*

*To the editor of the Figaro:*

I arrived this morning in Paris, having only yesterday by chance become acquainted with the letter, signed with my name, which you published in the *Figaro* of day before yesterday, under the head of "Correspondence from Vienna," and which is represented as having been sent by me to Baron de W——, and translated from a German newspaper by the correspondent of the *Figaro*.

Permit me to affirm that the good faith of the German journal, and consequently that of your correspondent, has been deceived. I declare that the letter is apocryphal, and disavow it in the most formal manner.

I add that if my word does not suffice, I am in a position to prove, documents in hand, the exactitude of my assertion.

Accept, sir, &c.,

E. DU SOMMERARD.

On the afternoon of the same day I telegraphed you as follows :

FISH, *Washington:*

No reply Duke Decazes yet. Sommerard published denial letter.

WASHBURNE.

PARIS, *October 30, 1876.*

On yesterday morning, the 31st instant, I received from the Duke Decazes the following letter, which I translated and transmitted to you immediately by telegraph :

FISH, *Washington:*

Duke Decazes replies :

"MY DEAR MINISTER : On the 28th instant you did me the honor to signalize to my attention the publication of a letter attributed by a journal to the French commissioner-general near the exhibition of Philadelphia.

"I hastened myself to bring this regrettable incident to the knowledge of my colleague, the minister of agriculture and commerce, and, as early as on the 29th, the note inserted in the *Journal Officiel* has proven to you how much the French Government pre-occupied itself to immediately inquire into the facts, and to give you, in case their exactness should be established, a legitimate and prompt satisfaction.

"As I had hoped, the letter published under the signature of Mr. Du Sommerard is apocryphal. That functionary disavows it in formal terms, as you will see by the protestation here annexed, which he has addressed to the minister with whom he is connected, and which seems to me an answer such as we could desire to the calumny.

"I am pleased to think, therefore, my dear minister, that this categorical declaration closes this regretful incident. No doubt it will seem to you, as to me, ended, and it will have had for principal result to furnish to the French Government an occasion to give, by the promptness with which it received your remonstrance, a new testimony of the sentiments of cordial sympathy by which it is animated for the Government and people of the United States.

"Accept, &c., DECAZES."

WASHBURNE.

The letter of Duke Decazes inclosed the letter of Mr. Du Sommerard to the minister of agriculture and commerce, the translation of which is as follows :

PARIS, *October 29, 1876.*

MR. MINISTER : I arrived to-day from Havre, where I had gone to attend to the shipping of the workmen and the articles of packing we are sending to Philadelphia in order to prepare the return of the French products admitted to the exhibition, and it was only at the last moment that I became acquainted with the letter published under my name in the journal *Le Figaro* of day before yesterday, under the title of "Correspondence from Vienna," a letter which I am supposed to have addressed to Baron ———, and which is said to be translated from a German paper published at Vienna.

The wording of this letter, the terms which are attributed to me, ought to have been sufficient to enlighten the German paper, and consequently the *Figaro's* correspondent. I confess that even the idea of supposing it might be taken for serious would not have occurred to me. But I learn on my arrival in Paris that such has not been the case, and that Mr. Washburne has been moved by this publication. I consider it therefore as an imperative duty of mine to affirm that the good faith of the German journal, as

well as that of the Figaro's correspondent, has been deceived. I never had with Baron — any correspondence of this nature. I have never written to any German paper. I declare apocryphal the letter published over my signature, and disavow it in the most formal manner. I add that I have asked this day of the director of the Figaro to publish my declaration; and that I have reasons to believe that the German paper will hasten, if the thing has not already been done, to publish a rectification of the same kind. I am ready besides, should you think it proper, to telegraph in the same sense to our commissioner at Philadelphia.

I think it useless to go further. I would have much to say on the authors of this unpleasant incident by which I am brought in, and which does not happen for the first time; but I think you will approve my reservedness, and that my affirmation will be sufficient to establish the facts in all their correctness.

I have the honor, &c.,

E. DU SOMMERARD.

Public attention being more particularly called to the inculpated letter by the sharp notice in the official journal, quite a sensation has been created here, and nearly all the newspapers have had articles on the subject, a large number of which I inclose herewith. The general tenor thereof is of a spirit friendly to our country, though *Le Pays*, a leading Bonapartist organ, says, whether the letter be genuine or not, *it believes the statements therein to be true*. You will also find a slip containing the letter addressed to the Figaro by the Marquis de Talleyrand, who was an attaché to the Philadelphia Exhibition, protesting in the strongest terms against the statements in the letter published as coming from Du Sommerard. The promptness with which the marquis came forward and the handsome manner in which he vindicated our countrymen were in the highest degree honorable to him and very gratifying to the American colony in Paris.

In closing this dispatch, it affords me much pleasure to bear testimony to the prompt action taken by the Duke Decazes in this matter. I am certain that you will be gratified at the spirit of his letter to me, so friendly to the United States, and particularly when I add that its tenor is in accordance with the cordial feeling that he has always expressed for our country, and with the pleasant and agreeable official and personal relations which have always existed between us.

I have, &c.,

E. B. WASHBURN.

[Inclosure.—Translation.]

OCTOBER 1, 1876.

MY DEAR FRIEND: I am at —, the home of my cousin, the Marquise de Talhouet, one of the most beautiful châteaux of France. I hunt, I fish, I rest, or I think of my friends. However, I profit of this delightful sojourn to give you a sign of life, to tell you that I am not entirely dead, as you might, perhaps, believe; and I pray you not to complain of me for not giving you news of myself for so long a time, but I was so much taken up with that cursed exhibition at Philadelphia that it is only since a short time that I have been able, to my great satisfaction, to gain a little liberty. Of course, I refused to go myself personally to America, and I am convinced that you approve my action. I put in my place a special commissioner, who has enjoyed, and still enjoys, all the *ennui* with these amiable Americans, whom we wish always to take as models. I have blessed the fortune which made me resist the measures taken to have a bridge built for me to cross the ocean. I do not know what the Austrian commissioners say there, but the reports which are daily made to me by my representative are desolating, and gives us a too just idea of the greed (*avidité*) of the Americans. I have done everything to prevent our government from engaging in this exhibition, but the burning of certain American enthusiasts has prevailed over my personal views in the chamber of deputies, and if I had not taken extreme measures to cover our responsibility, I believe that interesting ourselves in the American centennial would have cost us dear.

The Americans themselves set fire to the building which contained our empty cases and they hoped that our exhibition would be entirely destroyed if their good star had permitted the fire to extend to the galleries. The *pompiers*, nevertheless, did their duty, and the fire was kept under.

The 9th of last month there was yet another fire, this time in the shops and taverns which were contiguous to the principal building, but happily the wind turned to the north, so that only the shops were destroyed. But the third time how will it be?

The worst is that the police of the exposition is composed of the worst elements of the United States; that the guards rob, that the judges, in default of witnesses, acquit them, and what is still worse, the thieves count upon the judges themselves to give the signal of pillage.

All this is so singular that I considered it my duty to send a brigade of our police to watch the goods of our exhibitors; the English sent twenty-five men, also the Spanish and Belgians.

If one at least had found any compensation in the women of Philadelphia, but it appears that the American women, whom we admire so much at Paris, are chosen expressly for this purpose, and that those over there are not worth a charge of powder.

Our government, always ready to be in the advance of the desire of the great mass, gave a credit of one hundred thousand francs to send workmen there. I chose them with the greatest attention; many towns and many manufactories have sent a certain number at their own expense, very worthy of *toasting* with their brothers of the New World. But all of these men have returned very dissatisfied, and it was the same with all our members of the jury, of whom about twenty had been chosen from the highest spheres of science, arts, and literature. All these tell me equally upon their return that nothing could induce them to return there.

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DU SOMMERARD.

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No. 89.

*Mr. Washburne to Mr. Fish.*

No. 1418.]

LEGATION OF THE UNITED STATES.

*Paris, December 22, 1876. (Received January 8, 1877.)*

SIR: A protracted and somewhat perilous ministerial crisis was ended last week in a manner more satisfactory than was generally expected.

At the very beginning of the session it became apparent that the ministry would find it difficult and troublesome to secure a working majority in the two houses, one of which is truly republican, while the other is conservative and reactionary. During the interval which elapsed between the adjournment of the regular session and the call of the extra session, a certain feeling had arisen in the Republican party against the ministry, particularly against its able and veteran chief, Mr. Dufaure.

The objections brought against them were of a general nature. Mr. Dufaure and his colleagues were accused of too much indulgence toward public functionaries, who were kept in office all over France notwithstanding their open hostility to republican government and republican institutions. The weakness complained of here may to a certain extent be justly charged; but it must be borne in mind that the French have an army of public officers, that their administration, though highly complicated, is very orderly, that the great majority of the men qualified for public offices were trained under former governments and are therefore more or less tinctured with monarchical tendencies.

It could not be expected of a man having the long experience of Mr. Dufaure that he would approve any measure tending to remove at once hundreds and thousands of able public functionaries to make room for impatient and inexperienced Republicans. He and his colleagues resisted this move, and thereby laid the foundation of the opposition which has just brought him down.

Two side questions had grown in the mean time and under the skillful management of politicians had taken something like the shape of party cries. The first was, *amnesty for the communists not yet prosecuted*; the second, *funeral honors to the free-thinkers and infidels, members of the Legion of Honor*.

In relation to the first point it must be known that there are yet in Paris some 40,000 people living under the apprehension of being called on at any moment to account for their direct or indirect participation in the commune. After five years this is certainly a very painful and anomalous situation for so large a class of people, and the cry for amnesty was there opportune and humane, but the promoters of that move insisted upon its being universal, and to this Mr. Dufaure refused to consent. He introduced in the house a bill which would have ended numerous prosecutions, but which maintained the right of the government to pursue and to bring to justice a certain class of offenders. This bill was voted down at first by the house, and the subject was referred to a committee; it reported another bill, which was carried, notwithstanding the opposition of Mr. Dufaure.

Though he had opposed it in the house, the prime minister, in deference to public opinion, made up his mind to support this bill in the senate. But that body rejected it, and thus within a few days, and on the same question, Mr. Dufaure was defeated in the house for not being liberal enough and in the senate for being too liberal. He immediately resigned, and all the members of the cabinet followed suit.

Some hopes, however, were entertained that the cabinet might still be retained, and in order to reach that end the government withdrew a bill it had introduced in relation to the second vexed question, the funeral honors to be rendered by the military to free-thinking members of the Legion of Honor, whose bodies were to be interred without religious ceremonies. By this bill, which the majority of the house opposed bitterly, no military honors were hereafter to be rendered to such men; its withdrawal, however, did not conciliate the majority, who declared in caucus that nothing but a parliamentary ministry in full accord with the sentiments of the majority of the house, and determined to carry out its wishes, would have its support. This showed decisively that the ministry could not remain in office. But on the other hand it was no less certain that a more liberal cabinet would not secure the support of the senate.

Combination after combination was attempted in order to overcome this difficulty. For a time they all failed. Neither the Duke d' Audiffret Pasquier, Mr. Duclerc, M. de Marcère, nor Mr. Grevy, nor Mr. Dufaure himself, could succeed in bringing together men of enough standing and popularity to secure in both houses a working majority; and one after the other they had to give up the difficult and embarrassing task.

The President then called on Mr. Jules Simon, whose stanch and enlightened Republicanism would certainly conciliate the majority of the house, and whose persuasive manners, tact, and moderation were such as to give no umbrage to the Conservatives of the senate. Mr. Simon succeeded; he convinced his friends of the Left of the necessity of making some concession, and the cabinet, having yielded to the Republican programme of the majority, remained in office, with the exception of Mr. Dufaure, against whom the move was directed, and M. de Marcère, who had become obnoxious to his colleagues. Mr. Jules Simon took the ministry of the interior, with the presidency of the council, and Mr. Martel, a moderate Republican, late vice-president of the National Assembly, received the ministry of justice.

Is this a solution? Many people here fear it is not, and I must confess that I share these doubts.

Two men have been removed, but the situation in one most important respect is unchanged. The two houses are still as divided as they were before, and nothing indicates that one of them will yield to the other. So far from that, it is well known that on the question of the budget the conflict will be reopened between the senate and the house, with little prospect of coming to a peaceful end. The senate will certainly insist upon the right of amending the appropriation bills. As for the house, Mr. Gambetta, in a private and interesting conversation I had with him some time ago, informed me that it could not admit such a claim.

You can see from this that there still remains some cause of uneasiness, and that it is possible the President may be compelled to resort to the dangerous remedy of dissolving the lower house.

But even this extreme measure may be of no avail, for there can be no doubt that a new election would return a still larger majority of Republicans.

Mr. Jules Simon, however, is a man of such ability, and his power of persuasion is so great, that he may be able to conciliate the hostile elements of the two houses. He has already shown, in entering upon his duties, how adroit and skillful he is, by a declaration which has given satisfaction to both Republicans and Conservatives. No other man, I believe, could have achieved such a *tour de force*.

The antecedents of this distinguished man are so well known to the world that a bare reference will recall them. He has always been a liberal Republican, and at the same time of a wise and moderate spirit.

The bent of his mind and his personal associations have alike kept him far from extremes, but he has constantly and unflinchingly cherished a system of political principles deeply rooted in the solid ground of philosophy which engaged his early and enthusiastic study, and which gave him fame before he entered the field of politics. He was one of the famous five who for a time constituted the whole opposition during the empire, and who became the nucleus of the party that came into power on the 4th of September, 1870. He was a member of the government of national defense, and was by it commissioned to go to Tours, where the preliminaries of peace were opened with the Prussians, in order to bring to terms Mr. Gambetta, who had refused to be bound by the armistice agreed to in Paris. This was a delicate task, but he performed it with singular tact, and to the advantage of his country. Soon after, he entered the ministry, to which he was called by Mr. Thiers, of whom he is the friend and admirer.

I will not go into detail in regard to his valuable services to his country as minister of public instruction and subsequently as a parliamentary leader. They are familiar facts, and are illustrations of the profound and liberal ideas which pervade his writings and made him famous as a philosophic and political author before the world knew him as a statesman. \* \* \*

The cause of the continuance of this prolonged ministerial crisis, as abundantly appears in the brief account I have given you, is to be found in the irreconcilable elements which control respectively the senate and the lower house, and the difficulty in forming a ministry which would have a reasonable chance of permanence lay in the impossibility of harmonizing the views of a senate conservative by a small majority and a house largely republican, controlled by able leaders, many of whom represent the most advanced thought of their party.

The framers of the present constitution attempted to organize a par-

liamentary government modeled in this feature upon that of England, the executive head being beyond the reach of legislative change, while the cabinet and the actual administration should mirror the fluctuations of opinion among the representatives.

Without here discussing the merits of their system, or the jars in its working which experience is fast disclosing, I will mention one practical effect, which will illustrate a question recently discussed in Congress, the feasibility of members of the cabinet being present in the two houses.

In France, the ministers being responsible to the national legislation, and liable to be questioned every day, are compelled to devote most of their time and attention to the sessions at Versailles, and they have very little to do personally with the administration of the various departments. In fact, it is difficult to find them there. The same result would be produced at Washington were our Cabinet ministers required to attend the sessions of Congress, and, from what I have observed of the effect upon the business that is transacted under the names of the ministers, it seems to be more promptly and efficiently done in our own way, the Secretary being actually in his department to superintend or be consulted at all times.

As I close, the long-dreaded conflict is beginning. Yesterday the senate, by 229 against 45, replaced in the budget the appropriation for military chaplains, which the house had stricken out. The government has not yet made known its opinions on this constitutional question, which threatens to become a much vexed one. The papers are full of comments on the subject this morning.

I am, &c.,

E. B. WASHBURNE.

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No. 90.

*Mr. Washburne to Mr. Fish.*

No. 1434.]

LEGATION OF THE UNITED STATES,  
Paris, January 12, 1877. (Received January 29.)

SIR: I have the honor to inclose herewith, for your information, a copy of a letter (translated) which I have received from Mr. Krantz, the commissioner-general of the French International Exposition for 1878.

I have, &c.,

E. B. WASHBURNE.

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[Inclosure.—Translation.]

*Mr. Krantz to Mr. Washburne.*

[Ministry of agriculture and commerce, Universal International Exhibition 1878, cabinet of senator, commissioner-general.]

PARIS, January 5, 1877.

SIR: The Government of the United States of North America has not as yet made any response to the invitation which was addressed to it, to take part in the Universal Exposition of 1878, at Paris. Every new delay may become prejudicial to the common enterprise.

If you will please to make use of the card of admission, herewith inclosed, to visit the works going forward at the Champs de Mars and the Trocadéro, you will be convinced that everything will be ready before the dates fixed for the entry of products and the opening of the exposition. All the European nations, with very few exceptions, have entered into effective relations with my general commission, and have appointed their delegates at Paris. The most of the states of South America, as well as the nations of the extreme Orient, have been corresponding with me for a long time.



I cherish the thought that your government will not stand aloof, and that the exhibitors from your country will fill the space which continues to be reserved for them. The arts and industries of the United States have always formed one of the most attractive portions of preceding international competition, and I indulge the hope of a prompt response on your part advising me that this will be the case in 1878.

The mechanical portion of the exhibition will have a special importance, and American constructors cannot afford to deprive the public curiosity of the motors, machines, and tools in which their industrial genius is always manifested in the most striking manner.

I also call your attention to the development which will be given to horticulture and agriculture in 1878.

The comparison of the flora and fauna of different nations may become the source of economic progress, in which each one ought to be ambitious to take its part.

It is in the name of the real sympathy which I feel for your country that I ask you, sir, to take into serious consideration the points to which I have had the honor to call your attention.

Accept the assurance of the high consideration with which I have, &c.,

J. B. KRANTZ.

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No. 91.

*Mr. Washburne to Mr. Fish.*

No. 1453.]

LEGATION OF THE UNITED STATES,  
*Paris, February 16, 1877. (Received March 1.)*

SIR: The most important and responsible duties which I have been called upon to perform during the time of my service as minister to France grew out of my being charged with the protection of Germans in France during the Franco-German war. Before the close of the administration from which I received my appointment, I have deemed it proper to collate and arrange from the records of the legation all the correspondence I had with my own government on that subject, as well as my correspondence with the Prince de Bismarck and M. von Thile during the same time, together with my correspondence with Mr. Bancroft and Mr. Motley on matters connected with the position I held. I have omitted everything of a confidential nature, but what I now have the honor to send to you as accompanying this dispatch forms a complete and perfect official history of the part which our government took in that important and eventful period, and which in this form may very properly go into the archives of the Department.

There were never more responsible, delicate, and onerous duties imposed upon a diplomatic representative than those which the protection of the Germans in France during the Franco-German war devolved upon me.

It is a matter of great satisfaction for me to know that my course met the approval of my own government, as well as that of the German government, while the French government was entirely satisfied with the manner in which I discharged my duties as the representative of a belligerent power. And I hope you will permit me to add further how gratified I am to know that during my whole service here, which is of a longer period than that of any minister of the United States ever accredited to France, except Mr. Gallatin, my government has not only not found it necessary to disapprove of a single act of mine, but, on the other hand, has given me the most gratifying evidences of its entire satisfaction with all my official action.

I am, &c.,

E. B. WASHBURNE.

No. 92.

*Mr. Hitt to Mr. Fish.*

No. 1457.]

LEGATION OF THE UNITED STATES,  
*Paris, February 23, 1877. (Received March 9.)*

SIR: I have the honor to transmit herewith a translation of a letter, just received from Mr. Krantz, the general commissioner of the Universal Exhibition at Paris of 1878, in reply to one from Mr. Washburne of the 20th instant, communicating to Mr. Krantz the information given in your dispatch No. 878, of February the 7th, that the proper committee of the Senate and House had been addressed upon the subject of the participation of our government in the Universal Exhibition at Paris in 1878, and stating that questions of unusual importance had for some time occupied the attention of Congress, but that recent intelligence indicated that they would soon be disposed of.

I am, &amp;c.,

R. R. HITT.

[Inclosure.—Translation.]

PARIS, *February 21, 1877.*

SIR: I have the honor to acknowledge the receipt of the letter which you kindly wrote me, of date the 20th of February.

I appreciate the gravity of the questions which agitate your country, and I respect the weighty reasons which divert the attention of Congress from questions relating to the Universal Exposition of 1878.

Should the United States stand aloof, it would take away from the grand solemnity which is in preparation too notable a part of its interest and of its splendor for me to admit for a moment so unwelcome an hypothesis. The space reserved for your countrymen, as exhibitors, is still kept, as you were notified last year; and I could not consent to change its location, although the time at which we have arrived in our preparations authorized me to do so in the case of the few countries which have not yet come to a decision.

Everything leads me to believe that in a few days the United States of North America will be the only nation behindhand; but, as I have said before, the sympathy which has ever existed between the two countries makes it the duty of those organizing the exposition to accord to you every delay and every facility compatible with the exigencies of the common enterprise.

Please accept the assurance of the high consideration with which I have, &c.,

J. B. KRANTZ.

No. 93.

*Mr. Fish to Mr. Washburne.*

No. 885.]

DEPARTMENT OF STATE,  
*Washington, March 2, 1877.*

SIR: I have to acknowledge the receipt of your No. 1453, transmitting a compilation of all your official correspondence with reference to the Franco-German war. I have given directions that these papers shall be separately bound, and preserved with the archives of the Department. This volume will prove a most valuable and useful collection for future reference.

I believe that you are quite right in your estimate of the responsible, delicate, and onerous duties imposed upon you owing to the protection of the Germans in France during the Franco-German war, and I am glad of the opportunity of again expressing to you the satisfaction of this government with the manner in which you discharged those duties during those trying times.

The German Government, whose subjects you so much benefited, and the Government of France, with which you have long had efficient and pleasant relations, fully concur, as I believe, in this estimate of the manner in which those duties were performed.

I have, &c.,

HAMILTON FISH.

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No. 94.

*Mr. Hitt to Mr. Fish.*

No. 1460.]

LEGATION OF THE UNITED STATES,  
*Paris, March 3, 1877.* (Received March 21.)

SIR: I have the honor to transmit herewith a letter on the metallic standard of currency, by Mr. E. de Parien, published in *Le Français* on the 24th ultimo, and addressed to Mr. Washburne, being called forth by Mr. Washburne's dispatch to you, No. 1307, of date March 27, 1876, which was published in the *Foreign Relations of the United States, 1876*, page 109, and republished in French in *Le Siècle* of the 29th of January last.

Mr. de Parien is a statesman who has been honorably known in French politics for thirty years as a legislator, cabinet minister, and now senator; is a member of the Institute, and the author of various works of high reputation in jurisprudence and political economy.

I have, &c.,

R. R. HITT.

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[Inclosure.—Translation.]

[From *Le Français*, Saturday, February 24, 1877.]

Mr. E. de Parien, senator, has addressed to Mr. Washburne, the minister of the United States, at Paris, the following letter:

PARIS, *February 18, 1877.*

SIR: In a remarkable note, which is republished in the *Siècle* of the 29th of January last, you depict the state of the monetary question in Europe, and you intend this picture for the information and study of your countrymen.

It was an enlightened and cosmopolitan thought which led you to this patient examination of questions heretofore too little studied, and to which you have called the attention of your government.

The honor you do my works in citing them several times in the course of your own emboldens me to submit to you some views not only on the points which you have discussed, but also on some facts connected with the monetary question, and especially the facts which have recently taken place in your own grand and interesting country.

You examine with the ardor of a patriot, as well as of a philanthropist, "the great monetary problem now impending over the world," to use your own expression, and on this subject you pass in review the arguments of the *bimetallists* and of the *monometallists*, doing me the honor to count me among the latter.

I have heretofore had occasion, sir, to protest against the application of the term monometallism to the doctrine of a single gold standard, as it is practiced in Great Britain, and as I have advocated it with my feeble voice in France. To wish a single standard, a single currency which should be legal tender to an unlimited amount, is not to wish that there should be but one metal in the monetary system.

Silver plays an important part still in the single gold standard system practiced in England, and I have had occasion to state that the doctrine of a single gold standard is in fact reconcilable with a real and perfectly reasonable trimetallism, admitting the use of silver and copper under different limits below gold.

Permit me, therefore, to reject the use of this word monometallism, an invention of the adversary, who is pleased to give an exaggerated and absurd appearance to the most reasonable of doctrines.

But I wish to offer a sort of rectification, or at least of attenuation, on a point still more important—one of the points of view prominent in your learned discussion.

Yes, sir; while we may seek the advantages of a common currency among nations, we may admit that the monetary problem is not absolutely identical among them all.

Money has incontestably a relation with the prices in use in different nations, and with their economic condition. There have been some at times who have treated with disdain the aphorism of General Mansfield in his work on money, that iron is the monetary metal of a people extremely poor, copper that of a people who are poor, silver of a people who are well to do, and gold of a people who are rich.

For my part I consider this remark profoundly sensible. Among a half-barbarous horde, where there is no trade except in simple articles of food and a few coarse tools, what would one do with a gold piece of higher value than the sum needed for the usual purchases and sales?

In the eighteenth century Sweden, a poor country, got along with copper money, coined in large pieces, and England already showed the growth of its riches by the importance of its gold currency, while silver predominated in the other European monetary systems.

I believe, sir, therefore, that there is a monetary problem which is common to every rich and civilized people of our time; but that the solutions of this problem undergo certain variations in the case of peoples too far removed from each other in the scale of riches and civilization. That is to say, at the same time, that the superfluity of a great quantity of silver, about which some persons are anxious in case the gold standard should predominate, is not, to my mind, a necessary consequence of the agreement of the most advanced nations in the adoption of that standard.

It will always be necessary to have enough silver for small change among a people who accept the gold standard; it will also be needed as the dominant money of other nations less advanced, and perhaps, in proportion as the number of nations prepared for the gold standard increases, there will be other nations for whom the use of silver as money will be progress.

It is in this light, as it appears to me, that I regard the monetary problem in its generality, identical only among nations which are placed at the head of civilization.

The fluctuations in the price of silver in 1876 are not reconcilable with the legal relation between the value of that metal and the value of gold, as established by the laws of certain countries. This legal relation might be generalized; yet the fluctuations of price, due, for instance, to the variations in production, would still disturb it. The idea of arriving at stability by the mere hypothetical extension of the money market is a pure illusion. The English journal, the Economist, of the 30th of last December, in a vigorous article, seems to me to have given a heavy blow to the chimera of the pretended universal bimetalism and its marvelous effects. But it is important to observe that, in our society, advanced in riches, silver, as a metal for currency, has another disadvantage besides its instability of value. It has also the serious objection of being inconvenient.

Prices have become so high, and luxury has increased to such an extent, that to carry in silver all that is necessary for daily expenditures, especially when traveling, is for many persons a real annoyance.

And if the forced circulation of paper money did not conceal the exact situation of the country in this respect, we would perceive among ourselves, in the unlimited use of silver money, a cause of embarrassment which would be felt by every mind, and would lead to general complaint.

Correggio, it is said, died in consequence of exhaustion, caused by being obliged to carry for a certain distance the price of a picture, which was paid for in copper. Many of our artists would find an inconvenience, not so mortal, I hope, but still seriously felt, if, in a locality where bank-notes were wanting, they had to carry on their shoulders the price in silver of their pictures.

This inconvenience of silver as a monetary metal concurs with its instability in value to hasten the progress of several European countries toward the gold standard. It will explain to you, perhaps, sir, why, since your note was prepared, Belgium has emphasized more strongly than ourselves the suspension of the coinage of silver five-franc pieces, limiting it by law, as I had proposed to the French senate; and why Spain herself, belonging virtually to the Latin union, is preparing for the adoption of the gold standard, as was declared lately by Mr. Jacobs, in a learned address on the monetary question, delivered by him in Belgium.\*

Holland is a little less advanced in this way than your learned note supposes. But the conversion of the silver standard to a gold one can only be accomplished there by degrees, all the more slowly as Holland is ambitious to extend this transformation, at least partially, to its Asiatic possessions as well as to its European territory.† The United States of North America, sir, seem to protest against this movement. That country is so important in the world; its example in certain things is so powerful; it

\* See *Le Français* of November 22, 1876.

† See the *Allgemeine Zeitung* of Augsburg, February 7, 1877.

is so worthy of being considered even in the observations and studies of our Europe, that you will excuse me if I call your attention a little to its monetary course, not only because of its place in modern civilization, but also because it has the advantage of being represented by you among our nation. At the time of the monetary conference of 1867, sir, North America, represented at that conference by Mr. Ruggles, took a lively part in the deliberations of that body. The proceedings of the international conference were translated into English in your country, and diffused to the number of 6,000 copies in your vast territory. An authorized voice from your Senate echoed the sentiments of the conference, and six years later, on the 1st of April, 1873, a law was passed which struck the silver dollar from your lists of moneys, and indirectly established the system of the gold standard.

The preceding year a message of President Grant, on the 4th of March, 1872, had even proclaimed gold the standard of value for the whole world. Austria, by its loan made in gold combined with its legislation founded on the silver standard, seems to conform to this principle. We note this incidentally.

Things followed their course in this direction in your country until the great depreciation of silver occurred in 1876.

Then a bill appeared in your legislation, adopted in the month of April last, which made silver legal tender up to the amount of fifty dollars.

This measure, though a little out of the precedents of legislation in regard to a single gold standard, in reality respected the principle of it perfectly. We ourselves proposed, in 1870, in accordance with the conclusion of the monetary inquiry, to allow silver to be legal tender as high as one hundred francs. But your people have taken a liking to the resumption of coining, which has taken place for small payments in specie, on the basis of this bill. An issue of 23,846,000 silver dollars in your country, in 1876, contributed to raise the price of silver throughout the world.\*

‡ The reaction against a single standard of gold has, since that time, declared itself emphatically in a proposition adopted in your House of Representatives,† and which tends to the re-establishment of your old silver dollar as legal tender to an unlimited amount with the legal relation to gold of about 1 to 16. A committee of your Senate has the subject under examination; an amendment presented by Mr. Sherman indicates its importance, and there appears to be a disposition to wait for an expression of public opinion before deciding.

Men who, like myself, hope earnestly for the renewal of the conciliatory movement of 1867 among the most advanced nations of the two worlds, entertain wishes on this subject which you can readily divine.

If new views invalidate those of the conference of 1867, it would be useful to have these views discussed in a new conference.

If, on the contrary, the temptation of local interest, easy to understand, had influenced the disposition of the American Representatives in favor of home producers of silver, seeking to place under the best conditions a metal, the employment of which as money would revive its price, all disinterested observers would be struck with the purely ephemeral advantage of this measure. After the temporary profit realized by the producer of silver in the monetary system of the union, the price of silver would no longer have a durable support.

After the flow of an amount of silver into the monetary system of North America had once been realized, it would be found that an act of interior commerce had, in a manner, been accomplished, rather than an act of general and far-sighted legislation.

Viewed in this aspect, the legislation of your country would risk being less the principle of reaction against the gold standard than a relief offered temporarily to the enlightened nations who adopt it, and who would profit by it for the transformation of their system of metallic circulation.

Already, it seems, glancing over the statements in the English Economist in relation to the receipts of value in the market of London, that Germany avails herself with incontestable ability of the rise of price for several months past caused by the emission of American silver money. She is preparing to complete her reform by striking gold pieces of 10 marks and of 5 marks.

As to us, who, while reserving, or appearing to reserve, the question of principle, have for eighteen months suspended all admission of silver at the office of our mint, the affluence of gold in our mint seems to repay us for renouncing the coinage of silver. Since the first of January we have struck not less than 28,426,160 francs.

The progressive and intelligent political economists of Europe who are occupied with monetary questions will therefore be divided between the desire to see America, in the interest of general legislation, keep in the path of its legislation from 1872 to 1876 and that of receiving from her the means of disburdening their national circulation, at the least cost of the ballast of silver which exceeds what is necessary for a suitable amount of change.

It is for America, it seems to me, to choose between its past, in the progress now

\* See the Economist of the 23d of December, 1876.

† See the Economist of the 10th of February, 1877.

going forward, and a renunciation of that past, to the profit of nations who are more decided.

The first of these alternatives seems to me the only one worthy of her, of the part she played in 1867, of the intellectual luminaries she employs for her guidance, among whom you fill your place worthily.

You will, I trust, excuse me for having submitted these observations to your impartial attention in regard to an economic question which you have treated, and which holds your country in suspense—a question upon which the advanced nations of the two worlds can extend to each other a friendly hand if the grand instincts of modern democracy are everywhere guided by the torch of philosophy and of true science.

Accept, sir, &c.

E. DE PARIEN.

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No. 95.

*Mr. Hitt to Mr. Evarts.*

No. 1470.]

LEGATION OF THE UNITED STATES,  
*Paris, March 29, 1877. (Received April 11.)*

SIR: I have the honor to inclose herewith a copy of a letter from Mr. Crépon, representing the stock-brokers' association, inquiring in regard to the new United States  $4\frac{1}{2}$  per cent. three hundred million loan, with a view to its admission to the Paris bourse, and a copy of my reply, together with translations of both letters.

He also suggests the advantage of establishing an office in France for the payment of coupons on our bonds; and as this suggestion comes from a source enjoying high consideration here in the financial world, I forward the correspondence to you, that you may, if you deem it advisable to do so, transmit it to the Secretary of the Treasury.

I am, &c.,

R. R. HITT.

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[Inclosure 1 in No. 1470.—Translation.]

ASSOCIATION OF STOCKHOLDERS,  
*Syndical Chamber, 6 rue Ménars, Paris, March 24, 1877.*

SIR: The syndical chamber is solicited to admit to the negotiations of the Paris bourse the United States  $4\frac{1}{2}$  per cent. loan, 15-30, (\$300,000,000,) created by act of Congress of July 14, 1870, and January 20, 1871, and granted to Messrs. Rothschild and Seligman frères.

Convinced of the advantage there would be in officially negotiating this new fund of a government which justly enjoys much credit and favor, and whose bonds are for this reason widely diffused among the French public, the syndical chamber is entirely disposed to permit it to be quoted.

But before taking this decision it would like to be assured by authentic documents in relation to this loan. For this purpose it cannot do better than to apply to the first representative in France of the republic of the United States.

I have the honor to request, sir, that you will kindly procure for the syndical chamber the information at your disposal, and also let me know: 1st. Whether the new loan is quoted officially at the stock exchange of New York; 2d. Whether there is already a sufficient quantity of the bonds positively issued to meet the wants of business.

Finally, sir, I will avail myself of this occasion to call your attention to the notable advantage it would be to the French holders, at present very numerous, of American bonds, to be able to cash their coupons in France, at some office which might be chosen by your government, and no longer be compelled to submit to conditions which are sometimes, perhaps, very high.

Please accept, sir, the assurance of my high consideration.

CRÉPON,

*First Assistant Syndic of the Association of the Stock-brokers of Paris.*

MR. WASHBURNE,

*Envoy Extraordinary and Minister Plenipotentiary.*

[Inclosure No. 2 in No. 1470.—Translation.]

LEGATION OF THE UNITED STATES,  
*Paris, March 28, 1877.*

SIR: I have the honor to acknowledge the receipt of your letter of the 24th instant requesting information in regard to the 4½ per cent. \$300,000,000 loan of the United States. In reply I inclose to you herewith a copy of the acts of Congress of July 14, 1870; and of January 20, 1871, to authorize the refunding of the national debt, in accordance with the provisions of which laws this loan is issued. By the text of the law it will be seen that the bonds are redeemable after September 1, 1891, in coin, with interest in coin at 4½ per cent. per annum, payable quarterly; that they are exempt from all taxation, and that the proceeds of the sales of these bonds are to be applied to redeem and cancel outstanding 5-20 6 per cent. bonds.

I have to say further in response to your inquiries that this loan is now quoted officially at the stock exchange of New York; that I am advised that more than \$120,000,000 of these bonds have already been sold, and as the conversion provided for by the laws referred to is going on rapidly, it may be expected that the entire \$300,000,000 will be issued and in the hands of purchasers before long. You remark that there would be an advantage in having an agency in France where French bondholders might cash their coupons. Such has not been the course of the Government of the United States heretofore, though several of the States have issued sterling bonds which were payable in London.

It will give me pleasure, however, to convey your suggestion to my government.

I have the honor to be, &c.,

R. R. HITT,  
*Chargé d'Affaires ad interim of the United States.*

MR. CRÉPON,  
*First Assistant of the Syndic of the Stock-brokers' Association, Syndical Chamber,  
6 rue Ménars, Paris.*

No. 96.

*Mr. Hitt to Mr. Evarts.*

No. 1475.]

LEGATION OF THE UNITED STATES,  
*Paris, April 11, 1877. (Received April 26.)*

SIR: As the newspapers recently received here from America state that you are considering certain questions concerning the organization of your Department, I have thought that you might be interested in a discussion now in progress in regard to modifications in the French foreign office.

During last winter's session of the assembly, an animated debate occurred in the senate, in which Mr. Arago on one side, and the Duke Decazes, minister of foreign affairs, on the other, took the principal parts, concerning the condition of the diplomatic and consular service of France, and especially the wide separation in rank and functions between those employed in these two branches of the same department of the government. Incident to the debate, the general efficiency of the present system came under discussion, and was freely criticised. The Duke Decazes vindicated his department with his accustomed ability.

Soon after a decree appeared,\* of date February 1, making several modifications in the organization and in the regulations governing admission, and with it a carefully considered report by the Duke Decazes to the President, discussing the questions involved.

In the present organization of the French foreign office, which is fixed by the decree of December 26, 1869, but which in fact dates from 1832, when its leading features were definitely adopted, there is a bureau of political affairs charged with the direction of diplomatic agents, and a bureau of commercial affairs for the direction of consulates. It has

\* See Journal Officiel, February 8, 1877.

been said that they are so completely apart as to give rise to diverging and sometimes contradictory instructions which may in some cases be sent to the same agents.

In consequence of the supreme importance of the foreign relations of France as a part of the European concert of nations, the diplomatic or political department is watched with constant solicitude and administered with all the ability the government can command. On the other hand as commercial questions are becoming more and more extended, it is the more essential that they be confided to those who, devoting themselves entirely to this career, acquire that special and technical knowledge indispensable in dealing with the interests of foreign trade. The independence of each bureau should therefore be preserved.

The minister provides, however, that a commission be created, composed of prominent officials in each branch of the service, to deliberate upon all questions which relate to both bureaux, thus insuring community of views. He also presents a regulation for the transfer of diplomatic agents to the consular service, and *vice versa*, in the same grades. This has been done heretofore, but the usage is thus regulated more precisely.

The last and most interesting practical subject is that of the rules governing admissions and promotions. The service is recruited from supernumeraries or unpaid young men, who are employed for years before they receive remunerative rank, that is, become paid attachés, consular pupils, or secretaries of the third class. Once admitted their tenure of office is practically permanent, or during good behavior, while positions are changed from time to time by transfers or promotions. Under the rules heretofore prevailing, those admitted to the consular service are subjected at the very first step to a severe examination. Promotions are made only after certain intervals of time, and this rule runs all through the service; thus, after a candidate is at last admitted to be secretary of the third class three years must be passed in the service before he can be appointed secretary of the second class, and then not less than three years more before he can become a first secretary.

The terms of admission now prescribed cannot be more clearly stated than as formulated in the sixth and seventh articles of the new decree of February 1, which imposes the same rule upon both branches of the service.

ARTICLE 6. No one shall be appointed supernumerary attaché in the diplomatic or consular service unless he has a diploma of licentiate either in law or sciences, and a knowledge of two foreign languages.

ARTICLE 7. No one shall be appointed paid attaché in the political (diplomatic) or consular service of the central administration, secretary of the third class, or consular pupil, unless he has previously obtained a certificate of aptitude from a special jury. Diplomatic attachés will not be admitted to examination until after two years of service as supernumeraries, of which at least one shall be passed abroad.

The succeeding articles except officers of the army and navy and certain young men, who at this date have passed three years in the bureaux of the department, from the requirement of diplomas and residence abroad, but exact a knowledge of two foreign languages. They also provide for a revision of the programmes of examination.

The most notable departure in this decree from previous regulations is that the examination heretofore required of candidates for consular supernumeraries is not mentioned.

The regular road of admission for a young man who enters the service is by an appointment as supernumerary. This appointment is made by the minister of foreign affairs. In addition to the diploma of licentiate, which, in France, means proof of a liberal education, he must show



that he has a private income of at least \$1,200 a year, and this condition is rigorously enforced. He receives no pay so long as he serves as supernumerary in the home bureau, or attaché abroad, which is generally from three to four years, sometimes much longer. The Duke Decazes discusses this whole subject with such clearness and authority that I quote from his report :

In order to be admitted to make part of the *personnel* of the consular service, it is necessary to have obtained the grade of licentiate in one of the faculties, of law, of letters, or of sciences, and to pass an examination, the conditions of which are marked out by a ministerial order of July 13, 1868. This examination is upon political economy, the law of nations, administrative law, diplomatic history, physical and political geography, and the living languages. The candidates are classed by order of merit, and after a period of service as supernumeraries, which generally varies from three to four years, they obtain their appointment as paid attachés to the bureau for the direction of commercial affairs, or as consular pupils in one of our principal consulates-general.

Admission to the diplomatic career was made conditional by the decrees of December 17, 1853, August 18, 1856, and December 26, 1869, upon the production of the diploma of licentiate in law. In pursuance of a report by the minister of foreign affairs, of March 14, 1860, it was decided that an examination upon the law of nations, political history, and living languages should take the place of the diploma. I am of opinion that with the very rare exceptions which justify themselves, and which I will propose to you to make in favor of officers of the army and navy and topographical and mining engineers, it is important to exact both one diploma and the examination. A special commission will be charged with the revision of the programmes as well as for the consular attachés as for the diplomatic attachés.

These programmes should, naturally, differ in several points, according to the particular necessities of each of the two careers. The time when the candidates should be admitted to pass examinations should also be established.

In consequence of the wants of our exterior service, the number of diplomatic supernumeraries is very high. A few years ago the figure at one time rose above one hundred. Reduced at present to what is strictly necessary, there are still seventy who are distributed between the cabinet of the minister, the bureau for the direction of political affairs, and our embassies and legations. This stage, which is prolonged sometimes to six or seven years, imposes upon the attachés who are sent abroad pecuniary burdens which are very onerous at most of the posts, besides the great loss of time.

It is just to consider these sacrifices and to facilitate admissions to the supernumerariate for young men who submit to them, by only requiring of them at first the diploma of licentiate and knowledge of two foreign languages, deferring the examination until their real entry upon the career, which only commences in fact for them at the time of their appointment to the first grade that is paid. The test should be undergone after two years of supernumerariate, of which at least one should be passed abroad.

These rules should be applied equally to the small number of young men who are engaged at the bureau for the direction of commercial affairs, awaiting their appointment to the grade of paid attaché in that bureau or consular pupils. They should be exempted from residing one year abroad; the organization of the consulate not comporting with supernumerary attachés in the exterior service, but, like the diplomatic attachés, they should be held to a preliminary supernumerariate of two years.

Thus for both services the examination would determine not only whether the candidate possessed the general knowledge which forms part of all serious education, but whether he had profited by the work in which he had been engaged, and whether he had acquired those special branches of knowledge which would put his professional aptitude beyond question. It is with this view that the programmes of examinations should be revised for the consular as for the diplomatic aspirants, and to this point in particular I would first call the attention of the commission charged with the revision and completion of those now in force.

Another decree of the same date, February 1, 1877, institutes the commission above referred to for the revision of the programmes of examination for candidates for the positions of paid attaché in the central administration, secretary of the third class, and consular pupil. It consists of eleven members, and the character of the gentlemen composing it gives great weight to its opinions. They are Senators Arago and de Saint Vallier; Mr. Antonin Proust, a distinguished republican deputy and special friend of Mr. Gambetta; the venerable Baron de Viel Cas-

tel, diplomat and author; the Marquis of Châteaurenard; Mr. Baudin, minister plenipotentiary; Mr. De Clercq, minister plenipotentiary and author of the excellent "Guide Pratique des Consulats;" Mr. Desprez, director of the diplomatic bureau, and Mr. Murand, director of the consular bureau, at the foreign office; Mr. Lenglet, consul-general at London; and Mr. Sorel, one of the authors of an able treatise on the law of nations, which has just been published.

This extra-parliamentary commission, after organizing, divided into two subcommittees, one charged with the diplomatic, and the other with the consular programmes of examination. They have been in deliberation for several weeks, and last Wednesday completed their labors, which will be submitted to the full commission as soon as it meets.

The commercial or consular subcommittee adopted a programme for the examination of candidates for consular pupils, prepared by Mr. De Clercq and Mr. Lenglet, and which is based on the regulations introduced in 1847 by Mr. Guizot, on the proposition of Baron de Bussière, then minister of France in Holland.

In the other subcommittee, which was engaged upon the programme for candidates for paid attaché in the central administration, or secretary of the third class, there was a long debate, and it was decided that there should be two examinations; first, on mere admissibility, comprising written compositions; second, a definitive examination of those admissible, which should be oral.

The Marquis of Châteaurenard had urged that the examination for admissibility should be exclusively upon the English and German languages, and should be both written and oral; but, on the motion of Mr. Proust, the subcommittee decided that the examination for admissibility should include not only four written tests in English and in German, but also four written tests—on diplomatic history from 1648 to 1873, on international law public and private, on commercial matters, and on the analysis of the papers in a contested case. The oral examination, to succeed the examination on admissibility, embraces the same matters, and also a knowledge of the constitution of each modern state.

The full commission will reassemble some time during the latter half of this month, when the Duke Decazes will preside, and I am informed that some questions which are regarded with lively interest in diplomatic circles will then be discussed, such as—

1. The question of open competition for admission to be supernumerary. This would be a long step toward popularizing the service, and an evidence of the growing spirit of republicanism.

2. The composition of the juries of examination, a most important question in practical effect.

3. The encouragement to be given to the study of Oriental languages.

4. The amount of premium or extra allowance to be paid to those secretaries or other agents of the government who acquire a knowledge of another language in addition to those required by the programmes of examination. This is substantially adopting a regulation from the British service, where it has been found to operate well.\*

5. The publication of an annual volume like the English "Foreign Office List" or our own "Register of the Department of State," giving as a guarantee against favor the dates of appointment, advancement, transfer, promotion, &c., of each person in the service. Such a publication

\* See Foreign Office List, 1877, page 239, Regulations, &c.

will be a useful innovation, for these facts are not as easily accessible here as in our government. It is probable that the compensation of each will also be given.

As in almost all European governments, officials in high places receive more, and those in the lowest grades receive less, in France than in the United States. Notwithstanding the immense reduction which took place upon the establishment of the republic, when hundreds of lucrative positions were entirely abolished, the compensation of the higher functionaries is large compared with those in corresponding positions in our country. The President of the French Republic receives \$120,000 per annum as salary, is allowed \$60,000 more for his household, and \$60,000 for traveling expenses; in all, \$240,000. The palace of the Elysée is allotted to him for his residence at Paris, and there is an official residence also at Versailles. The minister of foreign affairs, like each of the other members of the cabinet, receives \$12,000 per annum, and each undersecretary, \$6,000. For each department there is an extensive pile of buildings, some of them magnificent, in which there are suites of splendid rooms, furnished by the government, for the official entertainments of the ministers.\* Clerks only receive from \$300 to \$400. So, also, the great embassies are salaried at rates unknown to our economical government. Take, for example, ten of the posts of first importance in diplomacy, and the salaries paid to their representatives at those cities by France, Great Britain, and Germany. France pays to her representative at St. Petersburg, \$50,000; at London, \$40,000; at Rome, one ambassador to the Pope, \$22,000, and one to the King, \$22,000; at Berlin, \$28,000; at Vienna, \$34,000; at Madrid, \$24,000; at Constantinople, \$22,000; at Peking, \$17,000; at Washington, \$16,000. Great Britain pays to her representative at St. Petersburg, \$39,000; at Rome, \$35,000; at Paris, \$50,000; at Berlin, \$35,000; at Vienna, \$40,000; at Madrid, \$25,000; at Constantinople, \$40,000; at Peking, \$30,000; at Washington, \$30,000. Germany † pays to her representative at Paris, \$48,000; at London, at \$36,000; at St. Petersburg, \$36,000. Houses are also furnished in some of these cases, and in others a liberal allowance is made for rent.

The large body of secretaries and attachés receive a compensation below what is absolutely necessary for living in the circle in which they are placed. In the French diplomatic service there are twelve secretaries of the first class, two of whom receive salaries of \$2,800, three receive \$2,600, and the remaining seven \$2,400 each; of the second secretaries, two receive \$2,200 and twenty-one receive \$2,000, and there are twenty-three secretaries of the third class who receive \$1,000 each. For those who are stationed at posts which are deemed exceptionally expensive, among which is Washington, there is an additional allowance of about 20 per cent. The whole body of supernumeraries and unpaid attachés receive nothing. The united salaries of the entire corps of fifty-eight secretaries of embassy and legation of all classes only amounts to a little more than twice as much as the salary of the one ambassador to St. Petersburg.

I have, &c.,

R. R. HITT.

\* In former times, under the law of April 23, 1833, article 12, the ministers lived in the public buildings. The republic took this privilege from them by article 27, law of September 16, 1871. Some of them, however, do actually use public buildings for residence purposes. A bill restoring this privilege passed the Senate on the 16th of last February, and is now pending in the Chamber of Deputies, where it will come up for discussion as soon as the Assembly meets.

† Journal des Debats, March 3, 1877.

No. 97.

*Mr. Hitt to Mr. Evarts.*

No. 1478.]

LEGATION OF THE UNITED STATES,  
*Paris, April 24, 1877. (Received May 10.)*

SIR: Yesterday, in an interview with Senator Krantz, the general commissioner of the Paris Universal Exposition of 1878, he informed me that scores of persons and a still greater number of letters come to him on behalf of American exhibitors inquiring for the regulations established and the facilities that will be offered to our countrymen desiring to take part in the exhibition. This legation is also in daily receipt of applications for information on this subject, to which the uniform reply is given, that the French administration not admitting or dealing with individuals except through the authorized representation of their nationalities, and no commission having been appointed by our government, nothing can be done except to wait for further action at Washington.

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Mr. Krantz assured me that the rumors which seem to be started periodically, as to a postponement or abandonment of the exhibition in consequence of the impending war in the East, or other causes, were wholly groundless, and that it was a fact as positive as could be established for an event in the future, that the exhibition would open on the 1st of May, 1878; that the applications of exhibitors from France and England alone already numbered over 60,000, and the display by those two countries would be sufficient for an exhibition that would be worthy to rank as a world's fair; that Austria, Belgium, Italy, Spain, Norway and Sweden, South America, and the extreme Orient give evidence that they will not only occupy all the space allotted them, but will want more.

From various sources I hear of extraordinary and costly preparations by French manufacturers to exhibit in their full strength. The enormous constructions for the exhibition, covering eighty acres in the Champ de Mars and thirty on the heights of Trocadéro, are going forward rapidly by the aid of an army of workmen, horses, railways, cars, and all the machinery of excavation and erection.

Mr. Krantz informs me that the French general commission has reserved in its entirety, and will continue to reserve as long as it can be done without compromising the general interests of the exhibition, the space originally set apart for the United States.

Precaution has been taken to so arrange the galleries in the buildings intended for the special exhibition of the fine arts that it is believed that ample and satisfactory room will be given to our countrymen as soon as our government will make known its wants.

The construction is proposed of an annex, for exhibitors from the United States, in the open grounds reserved along avenue Suffren, bordering the Champ de Mars, as it is expected that our citizens, like those of other countries, will need further space for bulky articles and cumbersome products, such as agricultural machines, the materials of railways, specimens pertaining to metallurgy and mines, &c., which would take up too much room in the main building.

The French general commission has from the first refused to believe that the United States would not accept the invitation of France to take part in the great international solemnity which is preparing for the year 1878, and understands well that circumstances which are excep-

tional have thus far prevented our government from responding. It has therefore regarded with constant and earnest consideration the desire every day manifested by our artisans and artists to enter the field where the progressive forces of the whole world are invited for trial.

In consequence of the position occupied by Mr. Krantz, and the enlightened zeal with which he discussed this subject, I send you the substance of his observations.

Should you deem it advisable to cause publicity to be given to the fact that the French general commission does not entertain individual applications of any kind from foreigners except through the national commissions, it might save our people a large amount of useless letter-writing.

I have, &c.,

R. R. HITT.

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No. 98.

*Mr. Washburne to Mr. Evarts.*

No. 1482.]

LEGATION OF THE UNITED STATES,  
Paris, May 4, 1877. (Received May 17.)

SIR: I arrived at Paris on the very day of the reopening of the two chambers, after a recess of one month. The event was looked forward to with some curiosity, if not with anxiety, for it was known that the Duke Decazes would make an important declaration in regard to the policy of France during the diplomatic campaign which preceded the war which has just broken out, and defining its attitude until peace should be restored.

The declaration was frank and straightforward, and was frequently interrupted by applause. "We are free from all engagements," said the minister. "Six months ago we were anxious for peace both for Europe and for ourselves; to-day we are anxious to preserve it for ourselves."

"We are enabled," he added, "to inform you that our relations with foreign states have never been on a better footing than to-day. Nothing in the language of neighboring states," he continued, "allows any doubt to exist either as regards their peaceful sentiments or the value they attach to strengthening the bonds of amity between themselves and the Government of the French Republic." It was noticed that the Duke was very emphatic in pronouncing the words, "Government of the French Republic."

This declaration, important and satisfactory as it is to the French people, took no one by surprise, for the policy of peace and the strict neutrality of France is essential to her future interests. But some surprise was created upon reading the closing dispatch of the diplomatic correspondence which the Duke Decazes presented to both houses at the same time he made his declaration. This dispatch is very recent, its date being the 25th of April. It is in the shape of a circular addressed to all the diplomatic agents of France for the purpose of reminding them of the order of ideas in which the French Government has acted in the recent conflicts, as well as the attitude it proposes to assume.

After remarking that the good offices of France, as well as those of the other European cabinets, had been appealed to by both Turkey and Russia, in view of finding a means of conciliation between the Porte and its Christian population, the minister states that, "though the difficulties

of reaching a mode of settlement were numerous, the cabinets thought they had reached the end of their patient efforts when they signed the protocol of the 31st of March. But the advisers of the Sultan declined that compromise which provided for Turkey an honorable means of pacifically solving the difficulties in the midst of which she was struggling." The minister then goes on to show, in a clear and peremptory argument, that, after the conference of Constantinople, Turkey had stated that she was in accord with the European plenipotentiaries on all the points except two; that she had herself intimated that further deliberation would remove all obstacles to a complete understanding; that the London protocol was calculated to realize that desire, and that, nevertheless, "a contrary interpretation prevailed at Constantinople and precipitated the extreme resolutions which have just closed the road of diplomatic action in the sense in which it has been exercised during two years."

You can see, therefore, that the French foreign minister throws upon Turkey the whole burden of responsibility for the present war. This language was unexpected. It indicates surely a modification in the traditional policy of France in regard to Turkey, which she has always sustained, particularly against Russia. There are good reasons to believe that the Government of Constantinople was made aware beforehand of these sentiments, and that the action it took recently was governed by this change.

You have doubtless been made aware, before this time, that on the very day when Russia declared war against Turkey (April 24) the Porte applied to the powers, parties to the treaty of Paris, for a mediation, based on article 8 of that treaty, which provides that, in case of difficulty between Turkey and any one of those powers, the others would endeavor to prevent further trouble by friendly intervention. In making this application, the Porte intimated that this new action of the powers could be based upon the protocol of London, which she had just declined to even take into consideration. This unexpected concession was hardly made known when the Porte came forward again and declared that she accepted the protocol. Of course it was too late. War had been declared by Russia, which had put her troops into motion, and could entertain no such proposition coming at such a time. If my information is correct, this proposition has not been pressed upon Russia by the powers, who very well understood that it could have no chance of success. France, at least, only consented to transmit it without any kind of indorsement. This sudden and rather strange step of Turkey, taken at the last moment, and after she had treated Europe with something very like bullying in the conference, scorned all her advices, and assumed an attitude in defiance of her wishes, has given rise to the suspicion that Turkey is now ready to go as far in the way of concession as she before went in declining all intervention.

However this may be, it is certain that Turkey has developed an unexpected weakness on the Danube, where Europe had every reason to believe she was strong. In fact, she holds all that portion of this great stream which flows through her dominions. On the Bulgarian side she has many fortified points, and was supposed to have a rather large army. The Roumanian side is defenseless; and the troops of this principality had evacuated the only place where they could have made any show of resistance, if they intended it. Turkey also commands the river, and has plying upon it a number of gunboats, of which a great deal was said when they were built. With all these facilities she has not landed a soldier on the left bank of the Danube. She has allowed Russia to

come down unresisted from Jassy to Galatz, to take possession of a railway bridge at Barboche, of the first importance, which everybody believed Hobart Pasha's gunboats would destroy, and to plant there batteries which we hear now are in full operation. This is certainly a bad beginning.

Opinions are widely divided here in regard to the great issues involved in the war. The antiquated doctrine of the necessity of maintaining the integrity of the Ottoman Empire for the sake of the equilibrium of Europe, though much shaken by the events consequent upon the war of 1870, is still upheld by many, and such an enlightened paper as the *Journal des Débats* expounds it now every day. It is always difficult to depart from the traditional policy of a country, and the French people have not yet fully realized that what was called in the old diplomatic school of Europe the "balance of power" has lost its former significance, and that the conditions of the modern civilized world require a broader policy, resting less on the supposed interests of the governments than on those of the populations.

These views, however, are now making their way, and I am inclined to believe that they have already influenced the majority in favor of Russia. The Russians are very popular in France and in Paris; I may say that they share with the Americans the privilege of being the favorites of French society, particularly in the higher classes. Besides this social tendency, there is an unavowed political reason which works strongly in favor of the Czar; it is that every increase of the power and influence of Russia will tend to reduce proportionally the power and influence of Germany. In official circles it is evident that this sentiment prevails. I have no doubt it would prevail all through France if the force of events had not made Russia the principal agent of repeated assaults on the treaty of Paris, which France considers her own work, though it was the result of a policy pursued entirely for the personal benefit of the Emperor Napoleon, and from which France derived no special advantage.

I add to this dispatch a printed translation of both the declaration of the Duke Decazes and of his circular of April 25. I send you, also, the *Livre Jaune*, embracing the diplomatic correspondence of the French Government in relation to the Eastern conflict from 1875 to 1877. It is a bulky volume, containing more interesting and valuable documents than it has been the habit of the French foreign office to publish in this shape.

I have, &c.,

E. B. WASHBURNE.

[Inclosure 1 in No. 1482.—Translation.]

Duke Decazes (foreign affairs) then read the document, which is as follows:

MESSIEURS: The hopes which I expressed in the name of the government in another place on the 3d November last, relative to the maintenance of peace in the East, unfortunately have not been realized. War has broken out between Russia and Turkey. I have the honor of presenting the most important documents of the correspondence which the department of foreign affairs has held with its agents since the commencement of the Eastern conflict down to the present moment. You will there find an invariable indication of the principles which have constantly inspired our policy. We have joined in all the efforts which had for their object to solve by conciliation the pending difficulties.

But if diplomacy has not succeeded in preventing the complications which have just broken out, we have at least the satisfaction of declaring to you that we are free from all engagements. [Approval.]

Six months ago we were anxious for peace both for Europe and for ourselves; to-day we are anxious to preserve it for ourselves. [More applause.]

In reminding you of the words which terminated the declaration of the 3d November, we desire to prevent within just limits the preoccupations which tend to indicate the opening of hostilities on the Danube as a prelude for the general repose. Without doubt the wise and prudent course is to allow for the unseen in such grave conjunctures.

But we nevertheless conceive that we are obeying a sentiment of patriotism in directing your attention to the great importance of the symptoms which induce us to regard the situation with calm and freedom. [Cheers.] At the commencement of the crisis, we were in friendly and cordial relations with all the governments. We had evidence then how anxious they were to place the peace of the continent beyond the reach of the shiftings of the Eastern question. Now we find ourselves possessed of the same views as they are, in expressing the desire that the war may be localized, and to hope that it will preserve until its termination the proportions with which we have seen it commence. [Applause.]

In rendering homage to the intentions which animate the cabinets we can add that they do not misconceive our own. [Movement.]

Europe has not failed to be struck by our attitude and our acts, as well as by our persistent wish to remain in accord with it; of this we are assured, and we are thereby enabled to inform you that our relations with foreign states have never been on a better footing than to-day. [Great cheering.]

This statement will acquire still more value in your eyes if you will only bear in mind that neighboring states share with us the privilege of not being involved by any direct interest in present events. Nothing in their language allows any doubt to exist either as regards their peaceful sentiments or the value they attach to the strengthening of the bonds of amity between themselves and the Government of the French Republic. [Approval.]

“Such are the statements we have felt it incumbent upon us to make to the country. [Cheers.] They may be summed up and made complete in few words: In the Eastern question, the most absolute neutrality, warranted by the most scrupulous abstention, must remain the basis of our policy. [General cheers.]

France desires peace, [renewed cheers,] peace with every one, [more approval,] and we feel assured we may count upon your co-operation to secure its benefits for her. [Applause.]

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[Inclosure 2 in No. 1482.—Translation.]

## CIRCULAR.

VERSAILLES, *April 25, 1877.*

MONSIEUR: In presence of the complications of which the East is becoming the theater, I feel bound to remind you of the order of ideas in which we have acted for the purpose of preventing them, as well as the attitude we purpose to assume in this serious conjuncture.

I shall not again place under your eyes the vicissitudes of a conflict which has been going on for nearly two years, and which has not ceased, during all that time, to keep the governments on the watch. Desirous of preserving to Europe the benefits of peace, we straightforwardly lent our support to every effort to safeguard it or re-establish it. We were solicited to do so by the Government of the Porte, which, from the first, appealed to the good offices of the powers, and by the Cabinet of St. Petersburg, which, shortly after, on the questions raised by the insurrections of the Balkans, induced the action of the whole European concert.

In mixing ourselves up in the negotiations which have taken place since that moment, we had at heart to aid in the work which had for object to find a means of conciliation between the Porte and its Christian subjects, and to strengthen the accord of the powers between themselves. The difficulties certainly were numerous; but after having forseen that, if the Herzegovinian insurrection was not promptly appeased, it would speedily extend and disturb the continental tranquillity; we could not allow ourselves to be discouraged in the accomplishment of that task, common to all the governments, and which consisted in preparing and maintaining their union.

When the cabinets signed, after long deliberation, the protocol of the 31st March, they believed that they were approaching the end of their patient efforts. We therefore learned with regret that the advisers of the Sultan declined that compromise, which, however, provided for Turkey an honorable means of pacifically solving the difficulties in the midst of which she was struggling.

Immediately after the conference at Constantinople the Porte declared that it was in accord with the European plenipotentiaries on all the points of their programme except two. In its circular of the 25th January, 1877, it trusted that so restricted a dissension would not have for result to alienate from it the sympathies and friendship of Europe, and it thus indicated in an indirect way the opportunity of ulterior deliberations which would at last remove all the obstacles to a complete understanding.



The London protocol seemed calculated to realize that desire, for the text, to which we gave our assent, reduced the substance of the demands and the advice of Europe to the declarations made by the delegates of Turkey before the conference at Constantinople, and to the interior measures more recently decreed by the Sultan.

Nevertheless, a contrary interpretation prevailed at Constantinople, and it precipitated the extreme resolutions which have just closed the road of diplomatic action, in the sense in which it has been exercised during two years.

After so many efforts to avoid that *dénoûment*, we have no more to do than to declare our fixed determination to remain strangers to the complications which may be the result.

Be pleased, then, to declare very plainly the policy of France; it is the most absolute neutrality, guaranteed by the most scrupulous abstention. The unanimous sentiment of the country and its representatives, our distance from the theater of the struggle, and, finally, the nature of our essential interests, all contribute to impose that attitude upon us, and we should only modify it the day when fresh circumstances would permit the common action of Europe to prepare and facilitate the return of peace.

Accept, &c.,

DECAZES.

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No. 99.

*Mr. Washburne to Mr. Evarts.*

No. 1506.

LEGATION OF THE UNITED STATES,

*Paris, June 29, 1877. (Received July 11.)*

SIR: After two months of steady, careful, and in some respects very wonderful preparations, for the persistent inundation of the Danube had compelled them to resort to extraordinary engineering work, the Russians have crossed that great stream. The event, as you have been apprised, took place on the 22d instant in the vicinity of Ibraïla, and was immediately followed by the capture of Matchin and Hersova, on the Turkish side. A Russian corps has now boldly penetrated in the swamps of the Dobrutcha; hostilities are open on the whole line of the Danube, from Widdin to Galatz, and another and more important crossing of the river is hourly expected. From this moment only it can be said that active operations have begun against European Turkey, and the calm observer can easily foresee how, and even when, the struggle will end, if there be no interference in the action of the contending parties.

But this can hardly be expected. Without speaking of Great Britain, whose interests are so deeply involved in the Eastern crisis, and of Germany, whose policy is unknown to every one, except, perhaps, to a few of her own statesmen, there is at least one continental power which cannot look with indifference on the progress of Russian arms, and remain a passive spectator of even a partial dismemberment of the Ottoman Empire: it is Austria, whose action is now closely watched by every diplomatist.

As soon as it was known in Vienna that the Russians had successfully crossed the Danube, dispositions were taken to mobilize part of the Austrian troops and to concentrate two army corps in Croatia and Dalmatia.

It is evident that these preparations are made in view of an occupation, in certain contingencies, of Bosnia and Herzegovina, but it is not at all clear whether this move is to be directed against Russia or against Turkey.

The position of the Austro-Hungarian Empire is peculiar. The elements of which that double-headed monarchy is composed are so widely different in race, language, tendencies, and the moral and material interests of its two great divisions are so often antagonistic, that the

possible consequences of the Eastern war are viewed very differently in Austria and Hungary.

At Vienna it seems that there is no inclination whatever to come to the assistance of the Turks, but a perfect readiness to annex a part of their Christian territory should an opportunity offer.

These dispositions can be explained, not only by the kind and friendly personal relations existing between the Emperor Francis Joseph and the Czar, but also on serious political grounds.

Ever since the policy of Prince Bismarck has succeeded in almost excluding Austria from Germany, the German subjects of the house of Hapsburg have lost the supreme influence they previously enjoyed, and the Hungarians have managed to appropriate so much of this influence that they can be considered as weighing somewhat heavily in the direction of affairs, if not virtually ruling the empire. The other populations have resisted this pressure, but always unsuccessfully, and in order to provide a counterpoise to the increasing influence of the Magyars, they would welcome any accession of territory which might give to their action increased authority and power. The center of this movement is at Vienna, where very little, if any, sympathy is felt for the Turks, and where the Russians would find a ready support should they be inclined to give to Austria a share in the spoils of the Ottoman Empire.

At Pesth, on the contrary, the Turks have nothing but warm friends, and no scheme tending to any diminution of their dominions can secure the consent of the Magyars. They oppose equally the project of annexing any of the Turkish provinces, and the plan of erecting them into independent states, or their incorporation in the Russian Empire. It must not be forgotten, in connection with these sentiments, that the Turks have always been friendly to the Magyars; that they have often in past times come to their assistance; and that the Russians, on the contrary, have helped Austria to put them down when they endeavored to recover their independence.

In presence of such conflicting tendencies in the governing classes of the Austro-Hungarian Empire, any attempt to predict on which side the government will lean at last, would be presumptuous. The prime minister, Count Andrassy, although a Hungarian himself, is charged by his compatriots with deserting their cause in order to court the Emperor Francis Joseph, who is known to be personally favorable to the views of Prince Gortchakoff; but this charge rests on very slight grounds, and no action of his has yet shown that he intends to favor the disintegration of the Ottoman Empire; many minor facts tend to the opposite conclusion. Be this as it may, it is certain that Austria is preparing to interfere in the war, and this step, if it is taken, will be, in my judgment, the first one in a direction involving a general European war.

Another important fact pointing to the same conclusion is the very unsatisfactory tone, in the light of British interests and prejudices, of Prince Gortchakoff's reply to the note Lord Derby addressed last month to Count Schouvaloff, when he was about to proceed to St. Petersburg on a short leave of absence. Lord Derby had seized that opportunity to place before the Russian ambassador some considerations of importance to the future good understanding between Great Britain and Russia. The reply made by Prince Gortchakoff, though fair, courteous, and inspired apparently by the desire of conciliating England and of dispelling her suspicions, is couched in terms of vague generalities, the effect of which has been to increase the feeling of alarm. For instance, the prince, who had before professed that Russia was acting in behalf of the Christian powers, speaks now of the "particular interest which she has at

stake in the war," and avoids to meet the plain declaration of Lord Derby that Constantinople must not and shall not "pass into other hands," and that the treaty arrangements by which foreign ships are excluded from the Turkish straits are not to be materially altered. It is true the prince gives full satisfaction to England in respect to the exemption of the canal of Suez and of the Egyptian soil from any attacks, but such declarations are of minor importance to the British Government. The essence of the Eastern question concerns the Bosphorus and Constantinople.

It is not my province to dwell on this Russian dispatch, and on the effect it has produced in England. I only mention it to show that its language warrants the precautions England, like Austria, is about to take, and the apprehensions I entertain of seeing a general war succeed the local struggle now carried on between Russia and Turkey alone.

The fear that France may be drawn into that war, should it break out, is not unnatural, and many persons here of sound judgment feel quite uneasy in this respect. \* \* \* \* \*

I observe with surprise that for some time public opinion in France has been undergoing a somewhat curious change in relation to the Eastern crisis. When the war first broke out there was a strong feeling in favor of Russia, and the government itself, without departing, however, from its neutrality, had shown marked signs of sympathy in the same direction. This disposition has gradually changed within the last few months. Now the French foreign office seems to share more particularly the views of England and of Hungary, and public opinion has turned a little in favor of the Turks. One of the most conspicuous signs of this evolution is the change of tone of the *République Française*, the leading republican journal, which was a few months ago philo-Russian, and which is now nearly as strongly philo-Turk as the *Journal des Débats*. Mr. Thiers, who has been all his life a warm advocate of the integrity of the Ottoman Empire, is probably not a stranger to this change. In an interview I had with him several months ago, I was very much struck with the favorable tone which he held toward Turkey. I do not think, however, that it can run to an extent which might threaten the peace of France, but it certainly increases the moral difficulties which Russia has to contend with, and it gives countenance to those who still believe that it is the policy of Europe, as well as the interest of civilization, to uphold against young and progressive Russia the decayed and bankrupt government of the sons of Ottoman.

I have, &c.,

E. B. WASHBURNE.

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No. 100.

*Mr. Washburne to Mr. Evarts.*

No. 1515.]

LEGATION OF THE UNITED STATES,  
Paris, July 16, 1877. (Received August 1.)

SIR: Some time since, when examining the archives of the ministry of foreign affairs, I came upon a letter addressed by B. Franklin, Silas Deane, and Arthur Lee to his excellency the Count de Vergennes, then minister of foreign affairs, under date of Paris, December 23, 1776. The body of the letter is in the strong, bold handwriting of Dr. Franklin. I was greatly interested in it, as being the first step ever taken by the

Colonies which led to the alliance with France, and the base and foundation of that alliance and all the stupendous events which grew out of it. I have thought that you would be equally interested with myself in this letter. Upon the suggestion to the Duke Decazes, he kindly consented that it should be photographed. Three copies only have been taken. One of these, together with the negative, I have the honor to send you herewith, to go into the archives of your Department. I take the liberty also of sending for your own use a copy unframed. The third I have reserved for myself.

I have, &c.,

E. B. WASHBURNE.

[Inclosure.]

*The United States Commissioners to the Count de Vergennes.*

PARIS, Dec. 23, 1776.

SIR: We beg leave to acquaint your Excellency, that we are appointed and fully empowered by the Congress of the United States of America, to propose and negotiate a Treaty of Amity and Commerce between France and the said States.—The just and generous Treatment their Trading Ships have received, by a free Admission into the Ports of this Kingdom, with other Considerations of Respect, has induced the Congress to make this Offer first to France. We request an Audience of your Excellency wherein we may have an Opportunity of presenting our Credentials; and we flatter ourselves, that the Propositions we are instructed to make, are such as will not be found unacceptable.

With the greatest Regard, we have the Honor to be,  
Your Excellency's most obedient and most humble Servants

B. FRANKLIN  
SILAS DEANE  
ARTHUR LEE.

His Excellency the COUNT DE VERGENNES.

No. 101.

*Mr. Hitt to Mr. Evarts.*

No. 1517.]

LEGATION OF THE UNITED STATES,  
*Paris, July 19, 1877. (Received August 1.)*

SIR: The Journal Officiel of yesterday contains the long-expected decree (*arrêté*) of the Duke Decazes, bearing date the 10th instant, prescribing the conditions to be observed hereafter in the examinations, to be held in the last two months of every year, of candidates for admission to the lowest paid grades of the French diplomatic and consular service, and the composition of the two examining juries. It is accompanied by the full programmes of the examinations, as elaborated by the commission, of whose deliberations I gave you some account in my dispatch, No. 1475, of April 11, and the report of the commission, discussing the subjects submitted to its consideration and supporting its conclusions. I inclose all these interesting documents herewith.

These examinations are not in fact for original admission to the service, but to those grades which are salaried. There are about seventy young men in the service, "supernumeraries," who receive no pay, and who are kept at that stage for from two to five years, employed in the foreign office at Paris, and in the embassies, legations, and consulates. It is one of the requirements of appointment to the position of super-

numery that the young men shall have a private income of at least twelve hundred dollars a year. Even under these circumstances, the pressure is so great for admission to the diplomatic career that an appointment as supernumerary is very hard to obtain, and demands all the influence and efforts of friends.

For a long time there has been an examination for candidates for supernumerary in the consular, not in the diplomatic service. Now this has disappeared.

After due service as a supernumerary, a young man may present himself as a candidate for the post of paid attaché in the foreign office at Paris, secretary of the third class in one of the embassies, or as consular pupil, and then he must undergo the examination laid down in one or other of these programmes, according to whether he would enter the diplomatic or consular branch of the service. If rejected, he may present himself a second time, but if he fails then he cannot try again.

These examinations will not be competitive, as have been heretofore the examinations in the consular service. Several members of the commission were in favor of competitive examinations, and believed that, instead of abandoning that principle, they should extend its application to the diplomatic department. The contrary opinion prevailed, and the examining juries will now simply give certificates of aptitude to those who pass, and class them by order of merit. The minister will still be left at liberty to choose from those who have passed in making appointments, the action of the juries serving to enlighten him and guide his selections.

A glance at the programmes will show that they are extensive and serious tasks, embracing public law, international law, diplomatic history, commercial affairs, including tariffs, political and economic geography, &c. The two programmes are nearly identical, the chief difference being that the examination for consular pupils embraces more details of political economy, statistics, and consular administration.

You will remark with satisfaction that among the books prescribed in what may be called the course of study the works of our countryman, Wheaton, maintain their place, his "Elements" and "History" being given in both programmes.

I have, &c.,

R. R. HITT.

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[Inclosure.]

REPORT.

PARIS, June 9, 1877.

*To the minister of foreign affairs :*

Mr. MINISTER: The commission nominated upon your proposal by the President of the republic, and charged with revising, conformably to article 9 of the decree of the 1st February, 1877, the programmes of examinations for admission to the grades of paid attaché, of secretary of the third class, and of consular pupils, met on the 14th of March last.

The report, which preceded the decree of February 1, and which set forth its principal provisions, said that their object was to give more of unity to the labor of the bureaus; to bring nearer the two grand services, diplomatic and consular; to regulate the transition from one to the other, according to the special aptitude of the agents; to surround the two careers at the outset with more guarantees; and thus to put the entire department in a state to be equal to the multiplicity, as to the importance, of the affairs of political economic orders, the study and discussion of which was confided to it.

The commission became inspired with the same thoughts, and it is in that spirit that they pursued the labors the results of which are presented to you this day.

Their first care has been to make a statement of the general and professional requirements which ought necessarily to be in possession of the young men who are intended

for the diplomatic or consular career. For this purpose the commission divided itself into two subcommissions, who were charged to prepare two plans of a schedule—one for the diplomatic and one for the consular examinations. The comparing of these two plans demonstrated to the commission the necessity to draw up two different programmes. These two programmes rest on the common foundation of general proficiency, which is as indispensable to the diplomatic as to the consular attachés. But it was impossible, without exaggerating the difficulty of the ordeals, and without taking from them the professional character which they should preserve, to exact of the diplomatic attachés as profound a knowledge of the commercial points of the examination as would be proper to exact from the consular attachés, and to impose upon the latter certain special tests to which, on the contrary, the diplomatic attachés should be subjected. It was therefore expedient, while making the two examinations bear upon the same objects, to distribute the material of the two programmes in a different manner, and to give them an appropriate relative importance to the special character of each of the two careers.

If, however, the plan of the two programmes was to be different, there was no reason for not adopting the same arrangement for the form of the two examinations. Consequently the commission has prepared a set of resolutions determining the common conditions of the two examinations, and has annexed the programmes of tests to be applied to the two classes of candidates.

The commission thinks that periodical examinations would present great advantages for the candidates, who would thus be aware, in advance, of the period at which they might present their essays. They propose that there shall be every year a session of examination, in the course of the two latter months of the year. As the necessities of the service may have need of supplementary sessions, the resolutions leave to the minister of foreign affairs the care of providing for them under certain determined conditions.

The periodicity and frequency of the sessions would not be without inconveniences if the candidates could present themselves indefinitely for examination. It has seemed expedient to declare that after two fruitless attempts, the candidates should renounce a career for which they had not manifested sufficient aptitude. But as it was necessary to prohibit candidates from presenting themselves more than twice to the same examination, it seemed just to encourage those among them who desire to present themselves successively to both examinations, in order to obtain a double certificate of aptitude. The commission does not doubt that this evidence of zeal and intelligence would assure to those who should gain it particular claims upon the good-will of the department.

As there are two programmes, there must necessarily be two juries. The commission proposes to leave to the minister the care of composing them; but, conformably to the precedents and the professional character of the examinations, they limit to functionaries of the highest grade of the department of foreign affairs the persons among whom the members of the jury shall be chosen. The outlines traced by the plan of the commission are broad, to allow all the great branches of the interior and exterior department always, according to their relative importance, to be represented in the jury. The programmes constituting marked advantages to the candidates who know foreign languages other than those exacted, the commission has thought best to indicate that, in the case of the jury making the demand, the minister could, for the supplementary part of the proofs, add to the examiners special professors.

The examinations instituted by the decree of February 1 are not competitive. Several members of the commission have on this point expressed regret that the competition instituted by the resolution of 1868 had not been retained by the decree of February 1, 1877, for the consular career, and had not been extended to the diplomatic career. The majority of the commission does not concur in this opinion. They think that the minister has, with reason, reserved the liberty to choose from among the supernumeraries provided with a certificate of aptitude those who, under given circumstances, appear to him the most fit to fill vacant posts. But without pretending to limit in the slightest the legitimate exercise of the authority of the minister, and while appreciating the considerations which may justly entitle it to take into consideration the personal qualities of the supernumeraries, the commission believes that it would be well to accord to those who have obtained the certificate of fitness the advantages of classification by order of merit. If it is not required to present to the minister the absolute results of the competitive examination, it seems right to secure this guarantee as well to the department of foreign affairs as to the young attachés.

The classification should be made for each career, according to the rules laid down by the commission, and which determine at the same time the relative importance of the different parts of the programme in each examination. As to the publicity of the examinations, that has seemed sufficiently assured by the privilege which has always been accorded to the candidates to take part in the oral trials.

The reading and comparison of the two programmes suffices to demonstrate their economy. For public law, the law of nations, existing international law, diplomatic

history, and commercial affairs these two programmes are identical; but the relative importance of these different acquisitions is not the same in the two examinations; for instance, the law of nations and existing international law on the one part, and diplomatic history on the other part, which form two special classes of tests for diplomatic attachés, make but one for the consular attachés. Of the latter are demanded the detailed principles of political economy, and these principles form one class of tests. The diplomatic attachés are asked only the principal results of the science of political economy, and these outlines form, in the examination to which they have to submit, but a fraction of the general knowledge of commercial affairs.

The professional tests for consular attachés bear upon two special orders of knowledge, statistics and consular administration; for the diplomatic attachés they consist of an analytical report upon an affair, of which the brief is given to the candidate. The difference of the two careers, and also the nature of the labor required of secretaries of the third class and the consular pupils, explains the diversity. In the two programmes, the modern foreign languages occupy a very large space. The programme requires the knowledge of two languages.

The English language has seemed indispensable to all agents of the department; but the respective exigencies of the two careers have led the commission to require of the diplomatic attachés knowledge of the German, while it required of the consular attachés a knowledge of Spanish.

Pursuant to the example given by the foregoing programmes of the ministry, and by the foreign programmes, which it has carefully studied, the commission has thought it proper to point out to the candidates a certain number of special works which they could read with profit.

These indications, designed especially for the attachés who go through their preliminary course abroad, do not imply, in the opinion of the commission, any special valuation, their only object being partly to facilitate the personal labors of the candidates.

The official task of the commission is limited to the preparation of the two programmes, but it was impossible to terminate this work without touching upon certain questions of a more general order, and which are connected with the very application of the decree of the 1st February. Thus after having assured itself that in doing so it did not transcend its functions, the commission has been induced, under the form of suggestions, to call your kind attention to several observations which have appeared of interest to the department of foreign affairs.

Article 7, of the decree of February 1, directs that the diplomatic attachés shall be admitted to the examination only after two years passed as a supernumerary, of which one at least was passed abroad, but that those who at the date of the decree should have numbered three years of service in the office could have been exempt from the year of residence abroad. The commission, though recognizing in principle the necessity of the residence abroad, could but approve this transitory measure; nevertheless it would beg you to consider that, its labors being prolonged during more than two months, a certain delay having necessarily to elapse between the publication of the programmes and the first application which will be made of them, it would be at once just and in conformity with the spirit of the decree to extend to such diplomatic attachés who at the date of the first sessions of the examinations can number three years passed as supernumerary in the offices, the benefit of the third paragraph of article 7.

The commission has thought that it would be difficult to put the new programmes in force before the month of November, 1877. It seemed, in fact, necessary to allow the candidates time to prepare for examinations which, in certain respects, present a different character to the preceding ones. In the case where the necessities of the service demand that before the first session of examination an appointment should be made to a post of secretary of the third class in the legations abroad, the commission thinks that the minister could designate from among the supernumeraries named, after three years, the one who seemed to him the best qualified to fill the vacant post. This supernumerary should be admitted to the bar. He should besides undergo a trial before a jury nominated by the minister, designed to establish—

1st. That he knows two foreign languages, including either English or German.

2d. That he is capable of writing a memoir on some subject taken from the affairs of the country where he has sojourned the longest, if he has gone through his preliminary course abroad; or upon the affairs of the *sousdirection* to which he belongs, if he has gone through his course in the offices.

If the supernumerary designated by the minister has not been admitted to the bar, he should add to the trial above pointed out an essay on a question of international law, taken from the programme of the examinations. The supernumerary designated by the minister should alone be admitted to undergo this test. If he does not succeed, the minister should designate another, who should make the effort in his turn. If the supernumerary designated by the minister, and acknowledged capable in consequence of the trial, be not nominated to the vacancy in view of which the trial was held, or if, having been nominated to this post, he did not go there, the trial should be consid-

ered as null and void, and does not exempt the supernumerary who submitted to it from the examinations instituted by the decree of February 1.

The consular attachés are not compelled to the residence abroad, but it follows from the text of the report and from the whole drift of the decree that the attachés can be admitted to the examinations only after two years of "term." As to those who actually go through their term and who have been admitted to the bureaus of the commercial direction, in consequence of the competition established by the decree of July 13, 1868, it has seemed evident to the commission that they should be exempt from the examinations prescribed by the seventh article of the decree.

The commission did not have to regulate the preliminary test prescribed by the sixth article of the decree. It hopes, however, to be able to point out to you the advantage of having the candidates undergo these tests before the jury who will pass upon the final examinations. That would be a guarantee for the recruiting of the supernumeraries, and the jury could better estimate the results of the experience acquired by the candidates during their "course." It would be the same as transitory trials. The commission thinks that it would be of interest in that the jury before whom they would take place would be composed in the same way as the jury which was to preside at the final examinations.

As the number of candidates who may present themselves at the examinations is not limited, it is possible and desirable that all supernumeraries who find themselves in the conditions established by the decree may present themselves for the examination. If, as there is a right to expect, thanks to the care which supervises the recruiting of the diplomatic career, most of the supernumeraries are found prepared to undergo successfully the examinations, it would necessarily happen that you have at your disposal a greater number of attachés provided with certificates of ability than the number of vacant posts.

These attachés would be compelled to prolong their "term" for a greater or less time; it would, however, be a pity, without some encouragement, to oblige them to await the results of a difficult examination which necessitates serious preparation.

The commission thinks the best means to avoid this inconvenience would be for you to be prepared to assign to the supernumeraries provided with a certificate of ability a provisional indemnity. It does not ignore the fact that the credit granted to the department would not suffice for this new expense, however limited it might be, but it trusts that if you should make such a demand upon the chambers they would consent to allow to the budget of foreign affairs the necessary increase of credit. This demand is not the only one which the commission would be grateful to you for presenting to the chambers. It would wish to see the department prepared to encourage our young agents in the study of languages, which though not in such general use as English, German, and Spanish, are none the less very useful to our diplomats and consuls. A salary assigned to secretaries of the third class and to consular pupils who give evidence of a practical knowledge of Slavonic languages, of Persian, of Turkish, Arabic, Chinese, and Japanese, seems to the commission to be the surest means of attaining so important a result to the good administration of the service. This salary should besides only be accorded to the secretaries or consular pupils during their stay in the country in which these languages are used.

If it is right to ask of those who aspire to the honor of serving their country in the foreign service guarantees of knowledge and intelligence, it is not less so to seek some means of assuring their future in the career which they have embraced. The decrease in the number of legations is for many distinguished agents an obstacle to the advancement for which their services give them the most respectable claims. The commission has been engaged with this state of affairs; it has been struck at the same time with the advantage there would be in supporting at the large posts agents whom a long residence in the country would permit to maintain there the traditions of our diplomacy.

These considerations induce it to propose to you the creation of a certain number of offices of counselors of embassy and of legation, who would form an intermediate class between secretaries of the first class and the ministers plenipotentiary.

These different measures would find their sanction in the publication of an annual of the department, created upon the plan of the Foreign Office List published in England.

This annual would contain, with the names of the different functionaries, the indication of their grade of service. This would be the guarantee of the classification prescribed by the new programmes, and a public encouragement given to our agents.

In concluding the task with which the President of the Republic had charged it, the commission does not conceal from itself that whatever efforts it may have made to respond to this high trust, it has only been able to prepare measures which, in themselves, are not sufficient to attain the principal object of the decree of 1st February. The efficacy of these measures will depend upon the application made of them; to the men whom you will call to the delicate mission of judging of the fitness of your young attachés will it appertain to give life to these programmes, and to secure by well-



conducted examinations the best possible recruiting of our diplomatic and consular service.

In proposing to you to commit to the directors of the two services the presidency of the examining juries, and to compose those juries exclusively of agents interested more than anyone else to preserve the honor and maintain the traditions of the career, the commission hopes to have surrounded with the most solid guarantees the work with which you were so kind as to associate it. With the hope that its labors will not be useless, it submits the result to your approbation.

COUNT DE SAINT VALLIER.  
ANTONIN PROUST.  
L. DE VIEL CASTEL.  
CHATEAURENARD.  
DE CLERCQ.  
H. DESPREZ.  
MEURAND.  
LENGLET.  
ALBERT SOREL.

Approved.

DECAZES,  
*Minister of Foreign Affairs.*

AN ORDER.

The minister of foreign affairs, in consideration of the report of the commission instituted in virtue of article 9 of the decree of February 1, 1877, bearing upon the organization of the consular and diplomatic service, orders:

ARTICLE 1. The prescribed examinations for nomination to the grades of paid attaché in the political or consular services of the central administration, of secretary of the third class or of consular pupil, shall take place every year, during the last two months of the year. In case the necessities of the service demand that they should take place in the course of the year of the supplementary examinations, these examinations shall be announced, and the date of them will be fixed two months in advance by a ministerial order. No candidate can present himself more than twice to the examinations.

ART. 2. The examining juries will be composed of five members. One will be presided over by the director of political, the other by the director of commercial, affairs. The four other members will be designated by the minister, and chosen from among the ministers plenipotentiary, the directors, the *sous-directeurs* of the ministry, and the consuls-general.

The minister of foreign affairs shall be able, at the request of the members of the jury, to add to them some special professors for the examination in foreign languages.

ART. 3. The examinations will take place in conformity with the programmes annexed to the present order. They will consist of written and oral trials. No one can be admitted to undergo the oral test before having been declared admissible in consequence of the written trials.

ART. 4. According to the results of the trials established conformably to the arrangement of the programmes hereto annexed, the juries will prepare, by order of merit, the list of the candidates to whom certificates of ability shall be given.

Done at Paris, July 10, 1877.

DECAZES.

PROGRAMME OF THE DIPLOMATIC EXAMINATION.

ARTICLE 1.

The tests bear upon the English and German languages, public law, the history of the law of nations, existing international law, diplomatic history, political and statistical geography, professional knowledge, and are in accordance with the following programme::

ARTICLE 2.—*Public law.*

1. Political organization of France, and the principal states of Europe and America.
2. Constitution, executive, legislative, and judicial powers in those States.
3. The administrative organization of France. The ministries; their special powers and their connection with each other.

*See—*

*Batbie.* Abstract of the course of public and administrative law.

*Block.* Dictionary of the French administration.

*Laferrière eand Batbie.* The constitutions of Europe and America.

ARTICLE 3.

- a. History of the law of nations; principal schools and systems.
- b. Existing international law.

1. Public international law; negotiation; conclusion; ratification; execution; abrogation; denunciation; tacit renewal of treaties and conventions.

Treaties of peace, of alliance, of amity, of taxation, of security, of neutrality, of the cession of territory, of boundary, of establishment, of neighborhood, (of felling woods, river navigation, of services.) of suzer, (reconciliation,) of literary and artistic property, of indemnity, of jurisdiction, of extradition, of the execution of sentences, of judicial assistance; monetary, postal, and telegraphic conventions, conventions relative to railroads; treaties and conventions relative to the abolition of the slave-trade.

Treaties of union, of customs, of commerce, of navigation; consular conventions.

2. Private international law; private statutes; local statutes; conflict of the laws of naturalization; status of foreigners in France; courts of claims; private claims of foreigners against the French Government and of French individuals against foreign governments.

3. State of peace; state of war; neutrality; intervention; object and proceeding of diplomatic negotiations; Congresses; conferences; mixed commissions.

4. International maritime law; abstract definition of the liberty of the seas; general principles on which it is founded; inland seas; fisheries; merchant-vessels, their nationality; vessels of war, their extritoriality; right of search, in what cases its exercise is authorized; what is meant by contraband of war; declaration of the congress of Paris; privateering, its abolition; blockade, its consequences; maritime prizes, procedure in respect thereto; piracy; abolition of the slave-trade.

5. The object of diplomatic and consular missions, permanent and temporary; composition of the list of these missions; relation of the diplomatic agents with the consuls; privileges and immunities of the agents; capitulations; consular jurisdiction in heathen countries; *chancelleries*; compatibility; expenses of the service; reclamations.

*See—*

*Billot.* Extradition treaty.

*Bluntschli.* Code of international law, French translation.

*Calvo.* International law, theoretical and practical.

*Cauchy.* Maritime international law.

*De Clercq.* Collection of the treaties of France.

*Falix and Demangeat.* Treaty of private international law.

*Funck-Brentano, and Albert Sorel.* Abstract of the law of nations.

*Gessner.* Rights of neutrals at sea.

*Hautefeuille.* History of the origin, progress, and variations of international maritime law.

*Klüber.* Modern law of nations of Europe, annotated by Ott.

*Martens.* Abstract of the modern law of nations, annotated by Vergé.

*Martens.* Diplomatic guide, fifth edition, revised by Geffcken.

*Ortolan.* International rules and diplomacy of the sea.

*Pistoye and Duverdy.* Treaties on maritime captures.

*Tétot.* Repertory of treaties.

*Vattel.* The law of nations, or the principles of natural law applied to the conduct and affairs of nations and sovereigns, annotated by Pradier-Fodéré.

*De la Vega.* Guide to the political agents of the ministry of foreign affairs. Brussels.

*Wheaton.* Elements of international law.

#### ARTICLE 4.—*Diplomatic history.*

1. Successive transformations of the political system of Europe since the congress of Westphalia to the congress of Vienna.

2. State of Europe after the congress of Vienna.

3. Successive transformations of the political system of Europe and the principal treaties concluded between the European states since the congress of Vienna to the convention of the 15th of March, 1873.

4. Formation of the American States; their relations to each other, and with the states of Europe; general relations of France with the states of Africa and Asia.

*See—*

*Augsberg.* The congress of Vienna and the treaties of 1815.

*Bougeant.* History of the wars and negotiations which preceded the treaty of Westphalia.

*Flassan.* General and synoptical history of French diplomacy since the foundation of the monarchy to the close of the reign of Louis XVI.

*Flassan.* History of the congress of Vienna.

*Himly.* History of the territorial formation of the states of Central Europe.

*Kooh and Schall.* History of the treaties of peace.

*Wheaton.* History of the progress of the law of nations in Europe and America, since the peace of Westphalia to our own time, commented by Lawrence.

ARTICLE 5.—*Commercial affairs.*

1. Successive transformations of the commercial system of France since Colbert to our own day.

2. Customs regulation of France; general tariff; conventional tariff.

3. Terms used in the abstracts of the administration of customs, general commerce, special commerce, importation, exportation, re-exportation, warehouses, transit, ad valorem duties, specific duties, official duties, actual duties.

4. Drawback; premium; temporary admission; equivalent and identical export duties.

5. Abstract of the French colonies.

6. Competitive navigation and that reserved to the national flag; coasting by license and by register.

7. Differential duties; discriminating duties of the flag; discriminating duties of warehouses; different kinds of freight; influence of the cost of transportation on the development of maritime commerce; navigation duties.

8. National usage and usage of the most favored nation; reciprocal relations.

9. Duties on articles of consumption, and tax on articles of indigenous produce and fabrics; compensatory duties.

*See—*

*Armé.* Study of the customs, tariff, and treaties of commerce.

*Guillaumin.* Dictionary of political economy.

*Guillaumin.* Dictionary of commerce and merchandise. Official customs. Tariff of France. General table of French commerce with foreign countries and with the colonies. General description of the coast trade.

ARTICLE 6.—*Political and statistical geography.*

1. Boundary of the principal states. Water-courses. Mountains.

2. Population. Army. Fortresses.

3. Military posts and arsenals. Merchant ports. Actual naval force of the principal maritime powers. War marine. Commercial marine. Relative importance of maritime powers in the carrying trade.

4. Grand commercial and manufacturing centers. Depots. Docks. International fairs and marts. Canals. Railroads. Telegraphic lines. Packet lines. Subsidies and no subsidies. Principal commercial routes of European traffic.

5. Nature and places of production of the principal natural and industrial products. Countries of the importation and of exportation of French commerce and manufactures.

6. Monetary systems of the principal states of Europe. Monetary union.

7. General ideas of the budgets of the principal states of Europe. National loans. Exchange. The general movement of public funds in Europe.

8. Colonies.

*See—*

*loc.* Statistics of France.

*Levasseur.* *MacCulloch.* *E. Reclus.* Annual of political economy.

## ARTICLE 7.

The written proofs bear upon the English and German languages, international law, diplomatic history, commercial and professional knowledge.

## ARTICLE 8.

The written tests on the English and German languages consist of—

1. The translation of a political contemporaneous document written in English and German.

2. The analysis in French of an English or German parliamentary debate.

3. Of a brief report in English or German.

## ARTICLE 9.

The written tests on international law, history, and commercial knowledge consist of three reports on the following subjects:

1. On the programme of existing international law.

2. Programme of international history.

3. Programme of commercial affairs, and of political and statistical geography.

## ARTICLE 10.

The written test on the professional acquirements consists of an explanatory report on an affair, the brief of which shall be given to the candidate.

## ARTICLE 11.

Oral tests on the English and German languages consist of—

1. Reading aloud and translating a manuscript document in English or German.
2. Instantaneous analysis of an English or German document which shall be read to the candidate.
3. A conversation in English or German.

## ARTICLE 12.

The oral tests on the other points of the examination bear upon the whole of the programme.

## ARTICLE 13.

Account shall be taken in favor of the candidates of the knowledge that they may have of living foreign languages other than English and German. The candidates will acquit themselves in these acquirements according to the conditions set forth in articles 8 and 11.

## ARTICLE 14.

The results of the trials will be determined by numbers according to the following data:

## 1. Written trials:

a. English and German, maximum .....	20
b. Reports, maximum .....	60
c. Essay on a brief, maximum .....	20

## 2. Oral trials:

a. English and German, maximum .....	20
b. Public law, maximum .....	20
c. History of the law of nations and existing international law, maximum .....	20
d. Diplomatic history, maximum .....	20
e. Commercial affairs, political and statistical geography, maximum .....	20

Total for the whole trials, maximum .....	200
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Supplementary number for the foreign languages other than English and German, maximum .....	20
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No candidate shall be declared admissible to the oral tests if the total of his written trials is less than .....	80
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No candidate will gain a certificate of ability if the total of his marks upon the entire tests is less than .....	120
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Every candidate who shall have obtained for one of the classes of tests above mentioned a number less than one-fourth of the maximum number shall be excluded.

## PROGRAMME OF THE CONSULAR EXAMINATIONS.

## ARTICLE 1.

The tests bear upon the English language, the Spanish language, public law, the history of the law of nations, existing international diplomatic history, commercial affairs, political and economical geography, political economy, statistics, consular administration, according to the following programme:

ARTICLE 2.—*Public law.*

1. Political organization of France and the principal states of Europe and America.
2. Constitution, executive, legislative, and judicial powers in these states.
3. Administrative organization of France; ministries, their own privileges and their connection one with another.

See—

*Batbie.* Abstract of the course of public and administrative law.

*Block.* Dictionary of the French administration.

*Laferrière et Batbie.* The Constitutions of Europe and America.

## ARTICLE 3.

a. History of the law of nations. Principal schools, principal systems.

b. Existing international law.

1. International public law. Negotiation, conclusion, ratification, execution, abrogation, denunciation, tacit renewal of treaties and conventions. Treaties of peace,

of alliance, of friendship, of taxation, of security, of neutrality, of the cession of territory, of boundary, of establishment, of neighborhood, (of felling woods, river navigation, of services,) of succor (reconciliation,) of literary and artistic property, of indemnity, of jurisdiction, of extradition, of the execution of sentences, of judicial assistance, monetary, postal and telegraphic conventions, conventions relative to railroads, treaties and conventions relative to the abolition of the slave-trade. Treaties of customs union, of commerce, of navigation, consular conventions.

2. Private international law; private statutes; local statutes; conflict of the laws of naturalization. Status of foreigners in France. Courts of Claims. Private claims of foreigners against the French Government and of French individuals against foreign governments.

3. State of peace. State of war. Neutrality. Intervention. Object and proceedings of diplomatic negotiations. Congresses. Conferences. Mixed commissions.

4. Maritime international law. Abstract definition of the liberty of the high seas. General principles on which it is founded. Inland seas. Fisheries. Merchant vessels; their nationality. Vessels of war, their extritoriality. Right of search, in what cases its exercise is authorized. What is meant by contraband of war. Declaration of the congress of Paris. Privateering; its abolition. Blockade; its consequences. Maritime prizes; procedure in relation thereto. Piracy. Abolition of the slave-trade.

5. The object of diplomatic and consular missions, permanent and temporary. Compilation of the list of these missions. Relations of the diplomatic agents with the consuls. Privileges and immunities of the agents. Capitulations. Consular jurisdiction in heathen countries. *Chancelleries*. Compatibility. Expenses of the service. Reclamations.

*See—*

*Billot*. Extradition treaty.

*Bluntschli*. Code of international law, French translation.

*Calvo*. International law, theoretical and practical.

*Cauchy*. Maritime international law.

*De Clercq*. Collection of the treaties of France.

*Félix & Demangeat*. Treaty of private international law.

*Funck-Brentano & Albert Sorel*. Abstract of the law of nations.

*Gessner*. Rights of neutrals at sea.

*Hautefeuille*. History of the origin, progress, and variations of international maritime law.

*Klüber*. Modern law of nations of Europe, annotated by Ott.

*Martens*. Abstract of the modern law of nations, annotated by Vergé.

*Martens*. Diplomatic guide, fifth edition, revised by Geffcken.

*Ortolan*. International rules and diplomacy of the sea.

*Pistoye & Duverdy*. Treaties of maritime captures.

*Tétot*. Repertory of treaties.

*Vattel*. The law of nations, or the principles of natural law applied to the conduct and affairs of nations and sovereigns, annotated by Pradier-Fodéré.

*De la Vega*. Guide to the political agents of the ministry of foreign affairs. Brussels.

*Wheaton*. Elements of international law.

c. Diplomatic history:

1. Successive transformations of the political system of Europe since the congress of Westphalia to that of Vienna.

2. State of Europe after the congress of Vienna.

3. Successive transformations of the political system of Europe, and the principal treaties concluded between the European states since the congress of Vienna to the convention of the 15th March, 1873.

4. Formation of the American States; their relations to each other and with the states of Europe. General relations of France with the states of Africa and Asia.

*See—*

*Augsberg*. The congress of Vienna and the treaties of 1815.

*Bougeant*. History of the wars and negotiations which preceded the treaty of Westphalia.

*Flassan*. General and synoptical history of French diplomacy from the foundation of the monarchy to the close of the reign of Louis XVI.

*Flassan*. History of the congress of Vienna.

*Himly*. History of the territorial formation of the states of Central Europe.

*Koch & Schell*. History of the treaties of peace.

*Wheaton*. History of the progress of the law of nations in Europe and America from the peace of Westphalia to our own time, commentated by Lawrence.

ARTICLE 4.—*Commercial affairs.*

1. Successive transformations of the commercial system of France from Colbert to our own day.

2. Customs regulations of France. General tariff. Conventional tariff.
3. Terms used in the abstracts of the administration of customs; general commerce; special commerce; importation; exportation; re-exportation; warehouses; transit; ad valorem duties; specific duties; official duties; actual duties.
4. Drawback. Premium. Temporary admission. Equivalent and identical export duties.
5. Abstract of the French colonies.
6. Competitive navigation and that reserved to the national flag. Coast-trade, by license and by register.
7. Differential duties. Discriminating duties of the flag. Discriminating duties of warehouses. Different kinds of freight. Influence of the cost of transportation on the development of maritime commerce. Navigation duties.
8. National usage and of the customs of the most favored nation. Reciprocal relations.
9. Impost on articles of consumption and tax on articles of indigenous produce and fabrics. Compensatory duties.

See—

*Arné.* Study of the customs tariffs and treaties of commerce.

*Guillaumin.* Dictionary of political economy.

*Guillaumin.* Dictionary of commerce and merchandise. Official customs tariff of France. General table of French commerce with foreign countries and with the colonies. General description of the coast trade.

#### ARTICLE 5.—*Political and statistical geography.*

1. Boundary of the principal States. Water-courses. Mountains.
2. Population. Army. Fortresses.
3. Military posts and arsenals. Merchant ports. Actual naval force of the principal maritime powers. War marine; commercial marine. Relative importance of the maritime powers in the carrying trade.
4. Grand commercial and manufacturing centers. Depots. Docks. International fairs and marts. Canals. Railroads. Telegraphic lines. Packet lines. Principal commercial routes of European traffic.
5. Nature and places of production of the principal natural and industrial products. Countries of the importation and exportation of French commerce and manufactures.
6. General ideas upon the budgets of the principal states of Europe. National loan. Exchange. The general movement of public funds in Europe.

See—

*Levasseur.* Geography of Europe. Geography of France.

*MacCulloch.* Dictionary of Geography and Statistics.

*E. Reclus.* Geography.

*Block.* Statistics of France.

*Guillaumin.* Annual of Political Economy.

#### ARTICLE 6.—*Political economy.*

1. Object of political economy. Elements of public wealth. Analysis of the revenue of the funds, its profits and salaries. Idea, amount, and oscillation of capital. Prices current; the supply and the demand. Expenses of production.
2. Labor. Division of labor. Comparison between free and slave labor, between corporations and companies, and the system of competition.
3. Capital and the different kinds of capital. Of machines. The effect of machinery on productive power. The profits, salaries, and condition of the working-classes.
4. Of manufactures, wholesale and retail. Agriculture and husbandry. The freedom of manufacture. Prohibitions and monopolies. Intervention of the state. Of the right to make one's will, and the usurious laws bearing upon manufactures. Manufacturing. Property. Patents. Trade-marks.
5. Exchange. Of the market and of the issues. Influence of exchange on production. Commercial crises. Mercantile theory and of the balance of commerce. Of commercial freedom and customs restrictions. The fiscal system, protective and prohibitive.
6. Of money. The character of money. Quality of the precious metals in use as money. Standard money. Paper money and commercial paper. Monetary systems in force in the principal states of Europe. Monetary union.
7. Of credit. Different kinds of banks. Bills of exchange and foreign exchange. Bill to order, of transfer, of compensation, of checks, and of warrants. Discount, and the causes which act upon the rate of discount. Bank of France and of bank notes. Of forced exchange.
8. Of the revenue. Revenue of labor, of capital, and of the earth. Revenue, gross and net.
9. Of consumption. Analysis of consumption. Private and public consumption.

Of import; its nature, its assessment, and its effects. Direct and indirect tax, proportional and progressive tax, revenue tax, special tax. Exercise and trusts. The public debt. Principal kinds of public debts, of redemption and the conversion of the funds.

*See—*

- Arné.* Studies upon the customs tariff and commercial treaties.  
*Batbie.* New course of political economy.  
*Courcelle-Seneuil.* Treatise on the operations of banks.  
*Garnier, (J.)* Elements of political economy.  
*Guillaumin.* Dictionary of political economy. 1 vol. in 8.  
*Wolowski.* The question of banks.

#### ARTICLE 7.—*Statistics.*

1. Object and use of statistics.
2. Elements and development of the principal branches of the administrative statistics in France.
3. Statistics of foreign trade and navigation.
4. Calculation of the means, and the proportional increase and diminution.

*See—*

- Block.* Statistics of France.  
*Martens.* Year-book.  
*Guillaumin.* Annual of political economy.

#### ARTICLE 8.—*Consular administration.*

1. Consular organization. Consular establishments and circumscriptions. List, classification of agents, and conditions of advancement. Admission of consuls by foreign governments. Entering upon the functions and emoluments of service. Consular chancelleries. General instructions common to agents of the consular service of every grade.

2. Relations of consuls with the French administration: 1. With the minister of foreign affairs; correspondence relative to the different branches of the central administration, advances, and reclamations; accounts of the chancelleries. 2. With the minister of marine; correspondence; speculations, charters, and payments; cost of service and reclamations. 3. With the diplomatic agent whom they relieve, and the chief consul-general of the consular establishment, with the French maritime or sanitary authorities and the prefects of department.

3. The relations of consuls with their countrymen and the local authorities. Protection of the rights and interests of their countrymen; correspondence with individuals; administrative functions of consuls concerning their countrymen. Civil status. Passports. Registration. Certificates of birth and identity. Pensions. Affidavits of origin. Judicial cognizance. Depots. Sanitary police. Application of law to the army abroad. Special intervention of consuls in countries of the East and of the extreme East concerning their countrymen and foreign *protégés*; the establishment owned, kept up, or subsidized by the state.

4. Relations of consuls with the military and with the merchant marine. Relations of consuls with the commanders of vessels of the state. Armament, disarmament, and rearmament of commercial vessels. Landings. Statements of deficiency (dues). Supervision to be exercised over vessels of the merchant marine and on all operations of the arrival, during the sojourn, and at the departure of vessels. Intervention of consuls in case of damage or of shipwrecks.

5. Consular jurisdiction: 1, in Christian countries; 2, in countries of the East and the extreme East.

6. Functions of consular pupils, vice-consuls, chancellors, dragoman, interpreters, and consular agents; relations of these agents with the chiefs of the circumscription to which they are attached.

*See—*

- De Clercq and de Vallat.* Practical guide to consulates.  
*De Clercq and de Vallat.* Formulary of diplomatic and consular chancelleries.

#### ARTICLE 9.

The written tests on the English and Spanish languages consist of:

1. The translation of a political contemporaneous document, written in English and Spanish;
2. The analysis in French of an English or Spanish parliamentary debate;
3. A brief essay in English or Spanish.

#### ARTICLE 10.

Written tests on other points of the examination consist of two essays on subjects chosen from the programme.

## ARTICLE 11.

Oral tests on the English and Spanish languages consist of:

1. Reading aloud and translating a manuscript document in English or Spanish.
2. Instantaneous analysis of an English or Spanish document which shall be read to the candidate.
3. A conversation in English or Spanish.

## ARTICLE 12.

The oral tests on other points of the examination bear upon the whole programme.

## ARTICLE 13.

Account shall be taken in favor of the candidates of the knowledge that they may have of living foreign languages other than English or Spanish.

The candidates will acquit themselves in these acquirements according to the conditions set forth in articles 9 and 11.

## ARTICLE 14.

The results of the trials will be determined by numbers, according to the following data:

1. Written trials:	
a. English and Spanish, maximum.....	20
b. 1st Dissertation, maximum.....	40
c. 2nd Dissertation, maximum.....	40
2. Oral trials:	
a. English and Spanish.....	20
b. Other points of examination, maximum.....	60
Foreign languages other than English and Spanish, (optional mark,) maximum..	20
Total of numbers.....	200

No candidate shall be declared admissible to the oral tests if the total of his marks for the written tests is less than 70.

No candidate will obtain a certificate of ability if the total marks he shall have obtained upon the entire tests is less than 120.

Every candidate who shall have obtained for one of the above-mentioned classes of tests a number less than one-fourth of the maximum shall be excluded.

No. 102.

*Mr. Hitt to Mr. Everts.*

No. 1519.]

LEGATION OF THE UNITED STATES,  
Paris, August 10, 1877. (Received August 22.)

SIR: The gentlemen in charge of the Universal Exposition of 1878 continue to send to this legation numerous letters received by them from the United States, applying for space, information, &c. A communication from the general commission, received yesterday, states that the minister of agriculture and commerce is preparing to have a pressing representation made to our government upon this subject, and asks this legation to aid in inducing the much-desired participation of the United States. The immense structures on the Champs de Mars and the Trocadéro, are approaching completion, and all the foreign commissions are on the eve of entering into possession of their respective places in the interior. A deep solicitude is felt by the administration of the exhibition in regard to the intentions of the government of the United States, no official advice or assurance having been received on this subject.

The commissioner-general reiterates his promise that he will hold to the latest possible limit the whole of the space reserved for the United



States in the original design. Nevertheless, he is compelled to recognize the fact that the time is passing and the moment rapidly approaching when, in the interest of the common work, all questions of this kind must be irrevocably decided.

I gladly comply with the request and present these observations to you. I refrain from adding any thing further, knowing that you have watched this enterprise with interest and fully informed yourself in regard to it from the first.

I have, &c.,

R. R. HITT.

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No. 103.

*Mr. Hitt to Mr. Evarts.*

No. 1523.]

LEGATION OF THE UNITED STATES,  
*Paris, August 20, 1877. (Received September 7.)*

SIR: I have the honor to transmit herewith three copies of a circular received from Mr. Berger, director of the foreign sections of the Universal Exposition of 1878, and which has been sent to all the commissions of foreign countries, giving much information in regard to the state of advancement of the work, and urging prompt action on the part of the commissions.

You will remark the important statement that the essential parts of the exposition buildings will be completed by the 15th of September, and the laying of the floors between then and the 1st of October, when the commission of each country can proceed to parcel out its section.

I have, &c.,

R. R. HITT.

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[Inclosure.—Translation.]

MINISTRY OF AGRICULTURE AND COMMERCE,  
UNIVERSAL INTERNATIONAL EXPOSITION OF 1878, AT PARIS,  
DIRECTION OF FOREIGN SECTIONS, *Paris, August 17, 1877.*

M. ——— :

An entire year has elapsed since the day when the French Government invited the civilized nations of the whole world to the International and Universal Exposition of 1878, which will have for its theater the united space of the Champ de Mars and the Trocaadéro.

Nothing has been able to retard the efforts of the general commissariat since that epoch. They have been only equaled by the flattering eagerness with which foreign countries have responded successively to the appeal of France.

It was, above all, necessary that the palace of the Champ de Mars, which will form the chief place of the exposition, should be rapidly finished. The work of interior organization, commenced at the proper time, should then be carried out, in readiness for an entire installation on the opening day.

The first part of this programme is about to be realized; from the 15th of next September the palace of the Champ de Mars will be finished in all its essential parts. We approach, then, the moment when each foreign commission will be able to take permanent possession of the compartment reserved for it.

The uncovered spaces in the parks and gardens are all ready and at the disposition of the countries designated to make use of them. The plans of installation are everywhere very advanced. The general commissariat has been informed of the plans of the majority for national façades, of which the foundations have been prepared by its care.

Two or three of the foreign commissions only, among those of countries most distant, are backward in sending answers to certain instructions which have been requested of them concerning the construction of partitions in the galleries of the fine arts, and the repartition of doors through the walls situated along the covered prome

nade and on each side of the grand gallery for machinery. I am in hopes that all the plans asked for will have arrived in Paris before a month's time.

On the other side, the French general commission will have soon concluded in placing itself in accord with the nations interested upon the subject of the arrangements to be taken for furnishing motor power and putting in movement the machinery. However it may be, it is to be wished that each should not delay longer the accomplishment of the work. It is necessary that the heavy masonry of the national façades and the exterior works should be finished before the bad weather commences. If this last result is accomplished, we will only have to occupy ourselves, during the winter, with the arrangement of the interior, without the anxiety of delays which the rains of spring or prolonged cold might occasion to outdoor work.

Our undertaking is not one to be compared to those which ordinarily are carried on by architects and engineers. It is prudent to allow for possibilities which may render futile more than one plan decided upon in arranging the details of the work. In considering in the first place the work of the interior arrangement, there is nothing to hinder its commencement, only having regard to the two great divisions of the plan.

The placing of the flooring will be finished by the 15th September or 1st of October; from that date, which may be advanced for the construction of parts of the typical façades, it will be well for each national commission to proceed to placing the partitions and the principal divisions of its section.

As to the exterior buildings to be erected of different kinds, nothing hinders the immediate laying of the foundations, and next the heavy work and the roofing, only reserving the decorative part and that of the interior to keep pace with the wants of the installation.

I insist upon my proposition to commence these works sufficiently in advance, in observing at the same time that the contractors and the French workmen whom the foreign commissions may have to employ will not be found exacting unless delays intervene rendering the time so short as to change the normal condition of things appertaining to the work.

During the preceding expositions the embarrassments occasioned in the last hours have arisen because the operations of handling the productions have commenced before the complete termination of the work of installment. This comprises two distinct periods, during which the work should be conducted in such a manner that the delays in one should not compromise the methodical execution of the other. It is necessary, in the first place, that the halls of the exposition should be made ready, by the construction of partitions and placing the doors. It is necessary, then, to finish the transportation, the mounting and putting in place of the glass-work, before the time designated for the arrival of products; that is to say, for the work, strictly speaking, of arrangements. I leave apart the question of machinery; the foundations for this can be undertaken much in advance, for the day is near when the great gallery will be completely covered and inclosed, upon the condition, nevertheless, that everything shall have been made ready for the transmission and the conducting of steam.

I conclude by repeating that from the 15th of September next the architects and the engineers of the foreign commissions may be admitted to commence work upon the grounds.

I do not place in doubt your good disposition to prove that the experiences already made have borne their fruit. You will not tolerate the renewal of errors, of difficulties, and of false manœuvres which have been the cause that to this day no exposition has been ready at the hour wished for. Is it not likewise better to put aside, as quickly as possible, the cares of the material work, in dwelling upon all which remains for us to accomplish in another order of ideas, if only for the organization of the labors of the international jury of recompenses; that is to say, for the part the most elevated and the most delicate of our common work?

Permit me, then, to call your attention once more to the compiling of the catalogue, of which the manuscript has been requested of you for the 1st of next October.

Accept, &c.,

The director of foreign sections,  
G. BERGER.

No. 104.

*Mr. Noyes to Mr. Evarts.*

No. 4.]

LEGATION OF THE UNITED STATES,  
Paris, September 13, 1877. (Received September 27.)

SIR: Since my dispatch of the 6th instant the funeral of Mr. Thiers has taken place. It was attended by an immense concourse of people,

estimated at from four to six hundred thousand. During the solemn ceremony the rain fell incessantly, but this did not deter the multitude from manifesting by their presence at the burial their sympathy and sorrow. The most perfect order everywhere prevailed. Occasionally there was a shout, "Vive la République," "Vive la France," or "Vive Thiers," but whenever this occurred the senators of the left, by a motion of the hand, enjoined silence, and their signals seemed to be telegraphed along the whole line, producing the desired effect. I do not believe that in any city of the world more perfect order and decorum could have been maintained. The unaffected sorrow of the people seemed to allay for the time all political excitement.

For a day or two the republican leaders were evidently stunned by the unexpected death of Mr. Thiers, but, so far as I can observe, they have recovered their confidence and are as determined as ever. Mr. Gambetta told me, on the day of the funeral, that the result on election-day would not be unfavorably affected by Mr. Thiers's death, and Mr. Jules Simon remarked to me, about the same time, that the life of the republic was not dependent upon the life of any man. Predictions as to the result of the impending election, of course, are colored and controlled largely by the wishes of the various parties. Mr. Gambetta thinks the republicans will carry 400 members. Mr. Thiers, a few days before his death, expressed the same opinion. The government hopes to reduce the number below the old 363. The contest is a very bitter one, and all parties are persistent and active. Whatever the result of the elections, it is not generally believed here, in circles which ought to be best informed, that there will be any violent overturning. The prosecution and sentence of Gambetta do not, of course, seem to soften or modify the severity of the political struggle. \* \* The day of election is not definitely fixed, but will probably be about the middle of October.

I beg leave to add that on the day before the funeral of Mr. Thiers Mr. Washburne and myself called at the Thiers mansion, and were kindly admitted to an interview with Madame Thiers. We sent, with our cards, from the legation a floral tribute to be placed on the coffin, and, with the secretaries, attended the funeral. Our attentions seemed to be fully appreciated.

I have, &c.,

EDWARD F. NOYES.

No. 105.

*Mr. Noyes to Mr. Evarts.*

No. 8.]

LEGATION OF THE UNITED STATES,  
*Paris, September 21, 1877. (Received October 3.)*

SIR: I have the honor to transmit herewith, for the information of the State Department, a copy of the recent manifesto of President Mac-Mahon, together with the comments of various French journals thereon.

I have, &c.,

EDWARD F. NOYES.

[Inclosure.]

THE MARSHAL PRESIDENT'S MANIFESTO.

The following is the text of the important document issued by the chief of the state to the French nation:

PARIS, *September 19, 1877.*

FRENCHMEN: You are about to elect your representatives in the Chamber of Deputies.

I have not the pretension to exercise any pressure on your choice, but I am anxious to remove all ambiguity.

You must know what I have done, what I intend to do, and what will be the consequences of what you are about to do yourselves.

This is what I have done:

For four years I have preserved peace, and the personal confidence with which the foreign sovereigns honor me enabled me to render daily more cordial our relations with all the powers.

At home order has not been for a moment disturbed.

By means of a policy which has rallied around me the men who are before all else devoted to the country, the public prosperity, which had been for a moment checked by our misfortunes, has recovered its buoyancy. The public wealth has increased notwithstanding our heavy burdens. The national credit has been strengthened.

France, peaceable and confident, has at the same time seen her army, which is always worthy of her, reconstituted on fresh bases.

But those great results were in danger or being compromised.

The Chamber of Deputies, escaping each day more and more from the direction of the men of moderate ideas, and more and more swayed by the avowed leaders of radicalism, had reached the point of disregarding the share of authority which belongs to me, and which I could not allow to be diminished without engaging the honor of my name before you and before history. At the same time, contesting the legitimate influence of the Senate, it tended to nothing less than to substitute for the necessary equilibrium of the powers established by the constitution the despotism of a new convention.

There was no time for hesitation.

Exercising my constitutional right, and with the concurrence of the Senate, I dissolved the Chamber of Deputies.

It is now for you to speak.

You are told that I wish to destroy the republic. You will not believe it.

The constitution is confided to my care. I will cause it to be respected.

What I expect from you is the election of a chamber which, rising above party competitions, studies, before all, the business of the country.

At the last elections an abuse was made of my name. Among those who then called themselves my friends many have not ceased to oppose me. They still tell you of their devotedness to me personally, and pretend to only attack my ministers.

You will not be the dupes of such an artifice. In order to frustrate it, my government will designate to you, among the candidates, those who alone are authorized to use my name.

You will weigh maturely the meaning of your votes.

Elections favorable to my policy will facilitate the regular working of the existing government. They will affirm the principle of authority, which has been undermined by demagogues, and will secure order and peace.

Hostile elections would aggravate the conflict between the public powers, impede the movement of business, and maintain the agitation; and France in the midst of those new complications would become an object of mistrust to Europe.

As for myself, my duty would increase with the danger. I could not obey the orders of the demagogues. I could neither become the instrument of radicalism, nor abandon the post in which the constitution has placed me.

I shall remain to defend conservative interests, with the support of the Senate, and to protect energetically those faithful functionaries who, in a trying moment, have not allowed themselves to be intimidated by vain menaces.

Frenchmen! I await with entire confidence the manifestation of your sentiments.

France, after so many trials, desires stability, order, and peace.

With the aid of God we will secure those blessings for her. You will listen to the voice of a soldier who serves no party, no revolutionary nor retrograde passion, and who is guided solely by love of country.

Marshal de MAC MAHON,

*Duke de Magenta, President of the Republic.*

Countersigned:

DE FOURTOU,

*Minister of the Interior.*

CORRESPONDENCE BETWEEN THE DEPARTMENT OF STATE  
AND THE FRENCH LEGATION.

No. 106.

*M. de Vaugelas to Mr. Fish.*LEGATION OF FRANCE IN THE UNITED STATES,  
*Washington, September 9, 1876. (Received September 12.)*

SIR: On the 20th of May last Mr. Bartholdi had the honor to inform your excellency that an international exhibition would be opened at Paris in 1878, and at the same time to invite the co-operation of the Government of the United States.

Since that time the project of my government has received the legislative sanction, and the two chambers have made the appropriation which was proposed to them to insure the execution of this great enterprise.

In view of the brief period which will elapse before the opening of the exhibition, Duke Decazes has thought that the proper time has arrived to invite foreign powers to a more direct and active participation. I therefore have the honor to beg your excellency to use your influence with the Federal Government to the end that it may appoint special commissioners, with instructions to make arrangements with the French commissioners concerning everything relating to the organization of the exhibition as regards the space to be reserved for each country, the conditions of admission for exhibitors, the charges to be paid by them, the sending, reception, and placing on exhibition of the goods, and, in a word, as regards all details of the internal management.

As soon as the superior commission, which is to meet very soon, shall have drawn up the general regulations, I shall hasten to send your excellency a copy; but I beg you, in the interest of the success of the exhibition, to be pleased not to defer until then such steps as you may think necessary to induce the Federal Government to appoint special commissioners.

Be pleased to accept, Mr. Secretary of State, the assurances of my respectful consideration.

I am, &amp;c.,

F. DE VAUGELAS.

No. 107.

*Mr. Hunter to M. de Vaugelas.*DEPARTMENT OF STATE,  
*Washington, September 22, 1876.*

SIR: I have the honor to acknowledge the receipt of your note of the 9th instant, in relation to the participation by this government in an international exhibition to be opened at Paris in the year 1878, and to state in reply that the matter will be brought to the attention of Congress at its next session.

Accept, sir, &amp;c.,

W. HUNTER, *Acting Secretary.*

No. 108.

*M. Outrey to Mr. Evarts.*LEGATION OF FRANCE IN THE UNITED STATES,  
*Washington, March 21, 1877. (Received March 21, 1877.)*

SIR: The obscure terms of the English version of the second article

of the convention concerning trade-marks, which was concluded between France and the United States in 1869, have frequently been a source of anxiety to the owners of such marks in France. The following is the French text: "Les marques de fabrique dont les propriétaires résidant dans l'un des deux états voudront assurer la garantie de leurs droits dans l'autre devront RESPECTIVEMENT être déposées en double exemplaire, à Paris, au greffe du Tribunal de Commerce de la Seine; à Washington, au Bureau des Patents."

This article reads in English as follows: "If the owners of trade-marks residing in either of the two countries wish to secure their rights in the other country, they must deposit duplicate copies of these marks in the Patent Office at Washington, and in the clerk's office of the Tribunal of Commerce of the Seine, at Paris."

This wording, in which the word "respectivement" of the French text has been omitted, seems to imply that trade-marks must be deposited, simultaneously, both at Washington and at Paris; whereas, according to the real terms of the convention, the deposit is obligatory at Washington only for French citizens who wish to secure the ownership of a mark in the United States, as it is obligatory only at Paris for American citizens who desire to take the same measures in France.

The omission to which I have just had the honor to call your attention, Mr. Secretary of State, cannot affect the evident design of both governments, and I shall therefore be grateful to you if you will have the kindness to adopt some measure calculated to prevent an erroneous interpretation by the American courts of article 2 of the convention of April 16, 1869.

In case you should think proper to do so by means of an interpretative declaration, an article on this subject, worded in unequivocal terms, might, as my government suggests, be added to the aforesaid convention.

The additional article of 1868 to the treaty of 1858, concluded between the United States and Belgium, which is identical in its stipulations with our convention of 1869, but the wording of which is more precise as regards the depositing of marks, sets off, by comparison, the defect in the English text of article 2, which I have had the honor to quote above.

Be pleased to accept, Mr. Secretary of State, the assurance of my very high consideration.

I am, &c.,

MAX OUTREY.

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No. 109.

*Mr. Evarts to M. Outrey.*

DEPARTMENT OF STATE,  
Washington, April 25, 1877.

SIR: Reverting to your note of the 21st ultimo in reference to an ambiguity as to the meaning of the English version of article II of the convention for the protection of trade-marks between the United States and France, I have the honor to state that this government construes the article referred to in the sense which is clearly expressed in the French version of the said article, and formally accepts the French version as the true interpretation thereof.

It is believed that the foregoing statement will be sufficient to obviate any difficulty to which the doubtful sense of the English version of the article in question might give rise.

I avail myself, &c.

WM. M. EVARTS.

## GERMANY.

No. 110.

*Mr. Davis to Mr. Fish.*

No. 557.]

LEGATION OF THE UNITED STATES,  
*Berlin, January 4, 1877. (Received January 22.)*

SIR: I hoped that the close of the Constantinople conference would afford ground for more favorable prognostications than I have been forced to indulge in for some months past. However, such is not the case. The new year opens unfavorably.

This is the last day of the meeting of the delegates in the conference. Up to this morning there are no favorable private advices, either at the foreign office or at the British embassy. I have just been to each in order to send the latest news.

At the foreign office it is thought that the Grand Vizier may possibly resign, but that in no event will the Sultan yield; that the Turks may try for more time; but that the present answer will be a positive refusal to nine of the points presented by the powers, including the all-important one of guarantees.

At the British embassy it is likewise supposed that the refusal will be absolute. I gain there the additional information that a rupture of diplomatic relations will not follow. The ambassadors are to leave Constantinople, but all, including the Russian, are to leave chargés in charge. This fact is important as showing that an immediate war is not expected. The armistice between the Turks and the insurgents having been prolonged, the fact that Russia leaves a chargé at Constantinople shows that peace is to continue for the present. In fact, as I have already had occasion to say to the Department, Russia is not yet ready for war. No one abandons the hope of peace. With everybody wanting it and two months secured for further negotiations, it is quite within the range of possibility that it may still be secured, but one cannot honestly say that the outlook is hopeful.

On the side of Russia, all parties bear testimony to her moderation in these negotiations. Mr. Von Bülow speaks in high terms of General Ignatieff. But she cannot be expected to give up everything.

On the part of Turkey, the mob at Constantinople is represented to be warlike and excited. It is even said that should the Sultan accept the work of the conference, it would cost him his throne. There is no doubt that the Turks have conceived the idea that no matter what the attitude of England may be in the conference, in war she must side with Turkey. It is easy to conceive the power of such an idea on an Oriental mind.

I do not think that Lord Salisbury has done anything to foster such an opinion. Whatever his views may have been on leaving England, his personal intercourse with the statesmen of the continent on his way to Constantinople convinced him that England could look for no help from them in a war with Russia. It is fair to suppose that this conviction helped shape his course at Constantinople. Mr. Von Bülow bears strong testimony to his constant efforts in the direction of peace. Looking back, however, upon the rejection of the Berlin memorandum in London, the dispatch of the fleet to Besika Bay, and the incendiary speeches of Lord Beaconsfield, one is not entirely surprised at the tenacity with which the Turks adhere to their opinion.

Whether the conference is or is not to end now has not yet been decided. The French and Italian representatives desire to continue it at some other place. The English seem to think it may as well drop.

Nobody gives heed to the patent constitution which the Sultan has picked up in Belgium and proclaimed in Turkey. ——— thinks it a good constitution for a law-abiding people like the Belgians, but not worth much in Turkey, where, he says, a man may think himself well off if he keeps his head on his shoulders and his wife and daughters are not violated.

I have, &c.,

J. C. BANCROFT DAVIS.

No. 111.

*Mr. Davis to Mr. Fish.*

No. 584.]

LEGATION OF THE UNITED STATES,  
*Berlin, February 10, 1877. (Received February 26.)*

SIR: In a former dispatch, I reported to the Department that the general election for the Reichstag on the 10th January resulted in no choice in seventy districts, an absolute majority of all the votes cast being necessary to a choice.

The law requires that in the second elections in such districts voters shall vote only for one or the other of the two candidates who received the highest number of votes at the first election, and that all ballots for other persons shall be treated as null. The suffrage in the second election as in the first is universal, and direct, and by secret ballot. Every German citizen can vote who has reached the age of twenty-five years, who resides in the commune at the time of election, who is not under guardianship, or under decree of bankruptcy, or is not receiving alms from public funds, or has not been convicted of an infamous crime.

These restricted elections have now taken place, and I am able to complete with approximate accuracy the partial returns which have already been sent to the Department. Parties are minutely subdivided in the Reichstag, and many new members have been elected whose politics are not definitely known. For these reasons the party estimates of results must inevitably vary considerably from each other. I think the following table will prove to be not far from correct:

National Liberals, 130; Löwe Berger group, 14; Liberal, 1; aggregate Liberals who are regarded as Imperialists.....	145
Conservatives, 37; Free Conservatives, 36; all regarded as Imperialists.....	73
Christian Socialists.....	1
<b>Aggregate Imperial strength.....</b>	<b>219</b>
Alsace Autonomists.....	7
Catholic Centrum, 97; Alsace clericals, 3; aggregate Catholic vote, regarded as hostile to the empire.....	100
States-Rights Separatists (Hanoverian, 3; Alsace, 5; Danish, 1; Polish, 14).....	23
Democrats (Fortschritt, 32; Socialists, 14; Volks party, 1; Democrats, 1).....	48
<b>Aggregate anti-Imperial strength.....</b>	<b>171</b>
<b>Total number of members.....</b>	<b>397</b>

The numbers assigned to each party in this table, for the reasons already given, are subject to modification hereafter, and the general



division into Imperialists and non-Imperialists is quite arbitrary. It is impossible to make a division on that point which will give a clew to the probable action of members in practical legislation. It is not to be assumed, for instance, that Prince Bismarck can depend upon the votes of the Old Conservatives or of the National Liberals in any and every contingency, nor is it to be assumed that all the members of the Fortschritt party are to be classed as opposed to the empire, although their present attitude is one of hostility. In estimating the future it is necessary to consider the tendency of men's political principles as well as their present political relations.

German law, like English and French, permits a person to present himself for several constituencies at the same general election. Hence we have five persons, each of whom has been elected to two seats. These gentlemen must determine which seat they will sit for and which they will leave to be filled by some one else. They are all party leaders—Lasker (National Liberal), Hänel and Hertz (Fortschritt), and Bebel and Hasenclever (Socialists).

Comparing the new returns with the constitution of the old house, it is found that there are one hundred and forty-two new members. Political life in Germany seems to be as uncertain as it is in America. In the changes the National Liberals lose nineteen seats, while the Conservatives gain twenty-one seats. In the anti-Imperial ranks the Catholics apparently gain six seats, but as the whole Alsace vote could be counted for them in the last Reichstag, they really lose six seats when the Alsace vote is taken into consideration. Without that they gain three seats, the States-Rights parties lose seven seats, and the Fortschritt party seventeen. The Socialists and Democrats united gain seven seats.

A more interesting comparison may be instituted with the recent elections for the Prussian Landtag. In the course of years men's political convictions change as new issues are presented, or as they think they get new light on old ones; but it is not often that radical changes are worked out in the course of a few days. When, therefore, we find different results obtained in the same constituencies in two general elections held within a few weeks of each other, but on a different suffrage basis, it is fair to presume that the change is attributable to the difference in the suffrage qualifications.

The mode of electing the Prussian Landtag (or house of deputies) is complicated, and evidently framed with a view to give a controlling influence to property. Every male Prussian, native or naturalized, who has reached the age of twenty-four years, who has not been convicted of an infamous crime, who is not receiving alms from public means, and who has resided for six months in the district in which he resides on the day of election, is entitled to vote. The votes are not cast directly for members of the Landtag, but for an intermediate body of electors, by whom the members of the new Landtag are chosen, as well as all members to fill vacancies in that body which may occur before the next general election. One such elector is to be chosen for every 250 inhabitants, and the number of members of the electoral college (if I may use the term) for each district will necessarily be the quotient obtained by dividing the whole number of the inhabitants in the district by 250. The voters are divided into three classes according to the amount of the direct taxes which they pay to the state. For the purpose of classification the sum-total of the taxes paid in the district is divided by three. The highest tax-payers, whose aggregate taxes amount to one-third of the sum, constitute the first class. Those next in amount who pay the

next third, constitute the second class. The remainder of the voters form the third class. Each class votes separately, and elects one-third of the electors for the district. If on a division of the whole number of electors to which the district is entitled, by three, one remains over, the extra elector is to be chosen by the second class; if two remain over, one is to be chosen by the first class and one by the third. The votes are given *viva voce*, and a majority of all is necessary to a choice.

Under this complicated system a general election for a new Landtag was held about two months before the general election for the Imperial Reichstag. Prussia contains in round numbers twenty-six millions of the forty-three millions who inhabit the empire. The division of parties in the Prussian Parliament and in the Imperial Parliament is identical. Indeed, to a considerable extent, the members are also identical. The Landtag consists of 432 members. The Prussian members of the Reichstag amount to 235. Given, therefore, a certain political division of the 432 members of the Landtag, it requires a simple mathematical calculation to determine how the 235 Prussian members of the Reichstag should be distributed in order to produce a parallel result. On this basis I have thus tabulated the recent elections:

Party.	Number in Landtag.	Proportionate number for the Reichstag.	Actual number in the Reichstag.	Gain.	Loss.
National Liberals .....	174	94	68	.....	26
Centrum .....	92	50	60	10	.....
Fortschritt .....	68	37	16	.....	21
Conservative Liberals .....	37	20	26	6	.....
Conservatives .....	36	20	31	11	.....
Poles .....	14	8	14	6	.....
Löwe Berger .....	11	6	7	1	.....
Social Democrats .....	.....	.....	9	9	.....
Separatists .....	.....	.....	4	4	.....
	432	235	235	47	47

These figures seem to demonstrate that the professors and learned classes and bourgeoisie of Germany, who regard themselves as the chosen custodians of liberal ideas and the special guardians of constitutional liberty, suffer loss by the practical operation of universal suffrage; that the Roman Catholic party gains by it rather than loses; and that the conservatives and landed proprietors—in other words, the old aristocracy—are the greatest gainers.

The Social Democrat also comes to the front under this influence. Not that the party is much strengthened in the Reichstag (it has 14 members against 9 in the late body), but that the number of its voters at the polls has largely increased. In the general election the Socialists won ten seats, and stood either first or second on the list in eighteen districts in which no election had taken place. Great exertions were made on both sides to carry these districts in the second election. The unexampled Socialist vote of the 10th of January was increased—in some districts largely increased—at the new trial. Their opponents combined against

them and succeeded in preventing them from carrying more than four additional seats. In two districts, in each of which many thousand votes were polled, they nearly grasped success. One they lost by 78 votes, the other by 240. In the other districts they were decidedly beaten; in some very badly. In the combined districts which they contested on the second trial, they threw an aggregate vote of 180,987, and were in a minority of 26,074. I did not preserve the figures of the general elections on the 10th of January, and therefore have no means of knowing what was their aggregate vote in the empire at that time. I have heard it stated as about double the vote of 1874. That vote was about 350,000, whence we may assume that their present vote is from 600,000 to 800,000.

The party levies its recruits in all parts of the empire. It has members in the Reichstag from commercial Altona, from the political centers Berlin and Dresden, from the great intellectual center of Leipzig, from Rostock on the shores of the Baltic, from the mountainous seats of Saxon industry, from the Rhine country, and from Würtemberg. It contested with vigor and hope of success the great city of Hamburg, several manufacturing towns in the plains of Westphalia, the farming estates of Schleswig-Holstein, and the manufacturing districts of Bavaria. It has found adherents among the agricultural laborers of Pomerania, who live and die on the same estate, sometimes without ever visiting a town, and it has obtained a footing in East Prussia and Silesia, and in the little duchies in the center of Germany. In regions thus widely separated from each other and having little in common in their modes of living or views of life, it has shown the same signs of organization and of unexpected political activity and strength; and its growth has excited throughout Germany a profound sensation—fear would be too strong a word to apply to a brave people—which may perhaps lead to proceedings in the Reichstag when that body meets.

The German political socialism of to-day may be traced to the teachings of Ferdinand Lasalle, a brilliant, erratic, fiery spirit, who disregarded the conventional rules of society and the ordinary codes of morals, and, after a life of excitement, fell in a duel in Switzerland, just as events were about to open the door for advancement. His scheme was rather communistic than political, and met with little success in his life-time. At his death the societies numbered only 4,610 members in all Germany. His ideas were then taken up by others, but would probably have been abandoned as visionary had not the war of 1866 brought about a union of North Germany with a Diet elected by universal suffrage. This changed what had been a visionary scheme for communism into a practical combination for political purposes. Lasalle's machinery was easily converted into an irresponsible despotism by the able men who took charge of it. The contributions of the workmen, who became active members of the societies, furnished them the means to pursue their ends. Lasalle had thrown membership open to all who chose to subscribe and pay the extremely moderate assessment. His successors received as members only those who were willing to work for the cause. Thus the body of supporting voters at the polls soon vastly outnumbered the active members, who, in American parlance, "ran the machine."

From 1866 to 1875 there were great jealousies between the leaders and divisions in the ranks. One school still remained communist pure and simple; another joined the Internationals; but when the proceedings at Paris shocked the moral sense of the world internationalism was put in the background. It was not a pleasant thing at that time to be a Social-

ist leader. Liebknecht was imprisoned; Bebel and Schweiz also, and, I think, Hasenclever was also condemned; but I am not sure. The government was on the watch for overt acts in violation of law, and was swift to punish them.

The great Socialist vote of 1874, quite as unexpected by that party as by the public, induced the quarreling factions to treat for union. It was difficult to reconcile the opposing principles of communism and internationalism. Perhaps it would have been more difficult to reconcile the opposing interests of the leaders, had the prize been less. In 1875 the union was completed. The Socialists practically surrendered to the Internationalists, retaining just enough of their peculiar doctrine to be able to say that they had not yielded everything. It is this united party which fought the great fight in the recent elections.

The objects which they profess to desire to secure are principally these:

1. Universal suffrage for all males over twenty years of age (days of election to be Sundays or holidays).

2. Direct legislation by the people. War and peace to be made by direct popular vote.

3. Universal obligation to military duty in the militia. No standing army.

4. General legislation. Special legislation not permitted. No suppression of the press.

5. Legal remedies free of expense. Legal proceedings to be conducted by the people.

6. Education to be by the state, general, obligatory, and free. Religion to be a matter for private instruction.

7. All indirect taxes to be abolished. Money to be raised by a direct progressive income-tax.

8. The legal day of labor for men to be defined. The work of women to be prescribed and limited, and that of children to be prohibited.

9. Sanitary laws for the protection of life and health of laborers, and regulation of their dwellings and places of labor to be enforced by persons selected by them.

10. Suitable provisions respecting prison labor.

11. Self-administration of all laborers' aid societies.

12. State aid and credit for industrial societies under democratic direction.

In a speech made in the Reichstag in February, 1875, Count Eulenburg, the minister for the interior, stated the latter point much stronger. He said that the Socialists demand the transfer of the means of labor to the ownership of the state, and the application and distribution of the results of labor to be regulated by societies for the common good.

That a political society like the Prussian looks with anxiety upon an organized party of three-quarters of a million, devoted to such a programme, is not surprising. People ask "Where do the Socialists come from? One-third of the active soldiers return each year to their homes, and become voters for the first time. Do they imbibe socialist ideas in the army?" This is a question which I cannot answer. My impression is that the increase is rather traceable to the general prostration of business existing throughout the world and intensified here by the uncertainty of the immediate future (whether peace or war), and by the strain of the army on the productive forces of the country.

Some journals comment upon the local result in South Germany as evidence of a leaning in those states toward "particularismus," which may mean states rights or secession, as occasion requires. Without

much actual knowledge of details, I am of the opinion that such a conclusion is incorrect. Perhaps the antagonism between Prussian forms and the more genial ways of South Germany is more marked than it was, but Prussian ideas are no less dominant throughout the empire than they have been. The struggle with the Roman Church continues, and I suppose will continue until the election of a new Pope affords an occasion for an armed peace. Socialism thrives and may continue to thrive until more prosperous times give the laborer something besides politics to think of. These, however, are passing events in the onward march of Germany toward unity.

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One conclusion can be certainly drawn with safety from the recent elections—that the conservative supporters of the empire, the landed proprietors, are more powerful than they were in the last Reichstag.

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I have, &c.,

J. C. BANCROFT DAVIS.

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No. 112.

*Mr. Davis to Mr. Fish.*

No. 598.]

LEGATION OF THE UNITED STATES,  
*Berlin, February 26, 1877. (Received March 14.)*

SIR: Accompanying this dispatch I send, in a separate parcel, copies of two recent English blue-books on Turkish affairs. Should you have received them from other sources no harm can come from having duplicates. So far as these documents give new light to the public I am pleased to see that they justify the confidential information which I have from time to time been able to send you.

Lord Salisbury appears to have gone to Constantinople with detailed instructions, indicating in advance what he was to endeavor to obtain, and what he was not to concede. The powers invited to the conference had consented to treat on the basis of (1) the independence and territorial integrity of Turkey; (2) non-acquisition of exclusive advantages by any power; (3) maintenance of the *status quo* as to Serbia and Montenegro; (4) local autonomy for Bosnia and Herzegovina to be granted by the Porte in a protocol signed by all the representatives. Lord Derby explained at length the nature of the institutions to be granted for the exercise of autonomy in Serbia and Montenegro, and added that something must be done for that part of Bulgaria which is south of the Balkan range. It is evident, however, that his ideas on this point were not as definite as they were respecting the other districts. He was positive on but one point, that the guarantees for the future well-being of the province were to be found only in the promises of the Porte in the protocol. "Her Majesty's government," he said, "cannot countenance the introduction into the conference of proposals, however plausible or well-intentioned, which would bring foreign armies into Turkish territory."

Hampered by such instructions, Lord Salisbury made his well-known tour through the different capitals before arriving in Constantinople. So far as this book gives glimpses into the history of his journey, it confirms the information which I have already sent to the Department.

Disinterested readers of these papers must say that Lord Salisbury

labored with intelligence and zeal to secure a practical result; but that his instructions and the course of his government at home made it impossible. The negotiations had been nominally relegated to Constantinople; but Lord Derby and even Lord Beaconsfield were holding interviews with Turkish representatives in London, which could not but damage the efforts of Lord Salisbury. What, for instance, could be more fatal to the demands of the conference than the assurance in advance that no attempt would be made to enforce them should they be refused? It also appears that Sir Henry Elliott and Lord Salisbury were not always at one. The dispatch of the former of the 10th of December last, printed on page 59 of No. 2, reads like an arraignment of the conference and a justification of Turkey in advance of her refusal.

It is plain that the conference was doomed to failure from the beginning. The manner in which the Turks put the extinguisher on it must have been galling to Lord Salisbury. He has recorded, in strong language, his opinion that Turkey has no body of men fitted to administer a constitutional government. He says they have no enlightened aristocracy, no governing class, no organized democracy; the absolute will of the Sultan and the laws of the Koran are the only recognized authorities which bind society and state together. When Midhat Pasha conferred the power of self-government on such a population and cited the provisions of a constitution as an answer to the demands of the conference, it sounded more like joke than earnest. It served its purpose, however; it broke up the conference. Since England was pledged in advance to do nothing to enforce the demands of her representative, it resolved the apparent unity of Europe on the Oriental question into its original repulsion.

I confess I am unable to see what England wants. She has twice had it in her power to put an end to these troubles. When the Andrassy note was presented, had England said, "My enormous interests in India forbid me to quarrel with the principal Mussulman power; I shall use my great influence to induce the Turk to do justice to his Christian subjects, but I will be party to nothing derogatory to his sovereignty, and if it is attacked I am his ally"—had this been said, the Oriental question would have been settled on that basis. On the other hand, had Lord Salisbury been allowed to say to the Turk, "If you refuse what the conference demands, England will take part in forcing you to grant it," in my judgment the question would have been equally quieted. But this great power, which is the one most interested in a peaceful solution, and which is still, whatever its enemies may say, a powerful factor in European combinations, is torn by party struggles and has had no policy. Had the elder Pitt been alive England would have found a policy.

The future cannot be foreshadowed with confidence. My own judgment has been, and still is, that there will be war between Russia and Turkey in the course of the summer. But others, who are as well informed as I am, think otherwise. The London Times, for instance, which is supposed to have the best of information, reasons peace out of the Emperor's speech at the opening of the Reichstag, while I can only read war between the lines. Events are as uncertain as they were in America in the winter of 1860-1861, but the signs which point to them are as many and significant as they were then.

Turkey itself is in a critical condition. Our intelligence represents anarchy as not far off, and as kept away by force. The masses of Turks are ready for war, and are convinced that they are more than a match for the Russians. Negotiations for peace are going on with Servia and Montenegro, but the Turks are quite willing to cross swords with Russia.

I most sincerely trust that my fears will speedily prove to be entirely unfounded, and still more, that should war unfortunately break out in the East, it will not extend further into Europe, where there is so much material ready for it.

I have, &c.,

J. C. BANCROFT DAVIS.

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No. 113.

*Mr. Davis to the Secretary of State.*

No. 620.]

LEGATION OF THE UNITED STATES,  
*Berlin, March 25, 1877. (Received April 13.)*

SIR: The eightieth birthday of the Emperor, which occurred on the 22d instant, appealed to both the poetic and patriotic instincts of the nation, and called out a celebration which in pomp and splendor, as well as unfeigned sentiment, has been rarely surpassed. The remarkable history of the man himself, who, in a long and eventful life, had touched the extremes of good and bad fortune, and the splendor of his present position were calculated to kindle German imagination, while his simple, unostentatious habits, and his courteous and kindly ways touch the hearts of his subjects, and arouse an interest in his fortunes and his life.

Seventy or eighty royal or princely persons came to Berlin from the various parts of Germany to participate in this festival. All of the great powers of Europe, and most of the smaller ones, were represented either by special representatives or by autograph letters which the ordinary representative was charged to deliver in person to the Emperor. Russia was represented by a prince of the blood; England by a member of the house of Saxe-Weimar, who is an officer in the English army; France by an aid-de-camp of Marshal McMahon; the Kings of Italy and Belgium charged their representatives at this court with letters. The King of Spain being on a voyage through his dominions, and separated from the capital, sent a telegram which his minister delivered.

The festivities may be said to have begun at the Austrian embassy, on the evening of the 21st. Early next morning the Emperor's receptions began at the palace. The members of the Imperial family and the German princes first made their congratulations. Each member of the Emperor's family gave a costly and beautiful present. The German princes and the free cities of Germany unitedly presented to the Emperor a gigantic historical picture, by Werner, representing the assumption of the Imperial dignity in the grand hall at Versailles, in 1871. The King of Saxony said, in offering the gift:

The German princes and the free states, your Imperial Majesty, cannot permit the day on which you celebrate your eightieth birthday in undiminished strength and undisturbed freshness, to the joy of the united Fatherland, to pass by without expressing on their side their pleasure and attachment by some outward manifestation. This picture marks one of the most important moments of German history; one of the most important also in the life of your Majesty, so rich in great events—the moment when your Majesty, by the wish of the German princes and of the free cities, restored the German throne, which had been lost at the time of the French dominion of violence, and thus gave an outward consecration to that which German strength had already created in common struggles and victories. If we may express a still further wish, it is that your Majesty may yet reign many years in undisturbed peace and happiness over the German Empire, founded upon the bloody battle-field. God be with us.

After this came successively the reception of ambassadors, of the

heads of Prussian princely and ducal houses, of such ministers plenipotentiary as were charged with letters or telegrams of congratulation, of officers in the army and navy, of members of the Reichstag, and of various other persons and bodies. While this was going on at the palace, business was suspended in the city; and the streets, gay with flags and decorations, were crowded with sight-seers. Some apprehension had been felt lest the suffering working-classes, many of whom are without work, and some without food, would make a counter-demonstration which might lead to a riot. Measures had been taken to guard against it; but none were necessary. The day and evening passed off without the sign of a desire to disturb the peace.

There were many official dinners in honor of the day. The one at which I assisted was the usual one given by the Prince of Bismarck to the heads of embassies and missions, and it passed off much in the same way as its predecessors. This is the one occasion in the year in which we actually meet the Imperial minister for foreign affairs.

In the evening Berlin was ablaze with illuminations, and hundreds of thousands were in the streets to see them. At nine o'clock there was a large party at the palace, at which *tableaux vivants* were represented under the direction of Mr. Richter, the eminent artist, and selections from operas were performed by members of the royal troupe. These performances are said to have been excellent, but it was quite impossible to see them from the places assigned to the diplomatic corps. The chiefs of missions were directed to take seats some two hundred and fifty feet from the stage, behind rows of Prussian standing officers; and the poor secretaries were put by the chamberlains in the rear of a row of pillars, where a sight of the performances was hopeless. In my day in Washington, I remember to have heard members of the diplomatic corps grumble (generally without cause) at their alleged bad treatment on public occasions. If the practice is kept up, you will be pleased to know that diplomats in other places than Washington sometimes do not get all they think themselves entitled to, and that they have to make the best of inconveniences which seem to belong to all public festivities.

The performances were over about midnight, and, for a wonder, the personage in whose honor the fête was given was none the worse for it, notwithstanding his great age.

I have, &c.,

J. C. BANCROFT DAVIS.

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No. 114.

*Mr. Davis to Mr. Evarts.*

No. 655.]

LEGATION OF THE UNITED STATES,  
*Berlin, April 30, 1877. (Received May 17.)*

SIR: My immediate predecessor, in his No. 221, dated May 6, 1871, transmitted to the Department a copy of the constitution which had been framed for Germany. This document was translated, and was printed in the "Foreign Relations" for 1871. Since that time several amendments have been made to it, which fact seems to make it advisable that a revised translation should be transmitted to the Department. This I now do.

The subjects on which the Imperial Parliament is authorized to legis-



late are enumerated in article 4, in sixteen divisions. I propose in this dispatch to briefly refer to the more important of the laws which have been already enacted to carry the constitutional provisions into effect, taking the subjects in their order in the instrument.

1. Under the powers conferred by the first clause many important laws have been enacted. Indeed, most of the laws regulating the relations of individuals toward each other, and toward the state (so far as they do not relate to criminal offenses or to judicial proceedings), and the laws for the regulation of trade and commerce and the employment of labor, may be said to be connected with the grants of power under this clause, although most of them flow more directly from the grants under the thirteenth clause. For convenience, and in order to show the general harmony of this class of legislation, as well as its breadth, I group together here some of the measures which should more properly be stated at a later stage among the remarks concerning clause 13.

A uniform age for majority has been prescribed throughout the empire. The contract of marriage must everywhere be made before a civil magistrate. Freedom of worship is guaranteed to all. The law of bills of exchange, of contracts, of bailments, of partnerships, general and special, of joint-stock companies, of bankruptcy, and of interest, has been unified and codified. A commercial code has been enacted, in which the title of merchant has been defined, and rules have been prescribed, in order to determine whom the law will and whom it will not regard as such. It also prescribes what commercial books are to be kept by a merchant, and defines the duties and powers of his various subordinates. The employment of labor is regulated by comprehensive laws. They require certain occupations to be licensed, regulate peddling, and public markets, and trade guilds; tell who is regarded as an assistant, who as an apprentice, who as a master workman, and who as a master, and what are the rights and duties of each; make provisions respecting factory laborers, provide for the examination of seamen on merchant ships, of physicians, of dentists, of veterinary surgeons, of apothecaries, and in fact seem to penetrate into most of the relations of society; even the newspapers do not enjoy immunity, but are subject to a severe press law.

While I have been writing this dispatch the Reichstag has discussed and disposed of a variety of proposals for amending the "Gewerbe Ordnung," the mere enumeration of which will show how wide is the admitted jurisdiction of the imperial parliament over this class of questions.

I. The conservatives propose to require each operative to have a book in which is to be inscribed the names and places of his employers from time to time, and the period of each employment, and to amend the laws relating to apprentices.

II. The Centrum (ultramontanes) propose to amend by inscribing provisions for the protection of the religious life of laborers, for preserving quiet on Sundays, for the regulation of apprenticeships, for imposing restrictions on the freedom of carrying on trade, for the prevention of the employment of children, for limiting the length of a day's work by women, for the establishment of trade-courts of arbitration, for the further regulation of trades requiring licenses, and for the regulation of inns and bar-rooms

III. The National Liberals propose to amend the apprentice laws, with a view to provide for continuing the relation between master and apprentice, and also to establish trade-courts of arbitration.

IV. The Fortschritt or Party of Progress propose to amend the ap-

prentice laws by providing for the moral training of apprentices, and also to establish trade-courts of arbitration.

V. The Social Democrats propose extensive amendments in order to prevent the manufacture in penitentiaries of articles for sale, to establish ten hours as the legal day's work for men, and eight hours for women and youth; to prevent the employment of children; to make night and Sunday work illegal; to amend the apprentice laws, and to provide for the appointment of imperial factory inspectors, and for the formation of trade-courts of arbitration.

These various proposals have been referred by the Reichstag to a committee of twenty-one members, to report at a future session. It is certain that not all will be adopted; quite possible that none will be. The fact, however, that they are suggested from such opposite quarters shows how deeply the idea of unity and of the endowment of imperial power and functions upon the national legislature has sunk in the popular heart. No rank of life, no condition of man, whether in relation to his fellow-man or to the State, is free from the influence of such legislation.

The laws which provide for a careful inspection of emigration, and which assume to regulate and control it, are mainly founded upon the powers contained in the same clause. It has already been observed that, as in the case of our own legislation, many laws may fairly claim to be derived from more than one provision of the constitution. Thus the imperial laws relating to domicile and residence may, in one aspect, be regarded as the exercise of the powers derived from the first clause of article 4, and in another aspect as the exercise of the powers derived from the fourteenth clause. So, too, the stringent statute relating to vaccination and other sanitary laws, the despotic power conferred upon the imperial chancery for the suppression of the rinderpest and the destruction of noxious insects, the laws already referred to respecting commerce and trade; respecting physicians, surgeons, veterinary surgeons, dentists, and apothecaries, and other similar statutes, may be traced to more than one grant of authority in the constitution.

2. Customs duties and imposts are collected under imperial laws. Mr. Wheaton, in the first dispatch which he wrote from Berlin, dated June 12, 1835, thus referred to the Zollverein then in force:

The Prussian commercial confederacy includes a population of more than twenty millions of industrious, active, and intelligent people, speaking the same language, but inhabiting countries various in their climates, soil, and productions, but nearly all richly endowed with the bounties of Providence. It is impossible not to conclude that the formation of this separate union in the bosom of the German Confederation is designed to augment, and must contribute to augment, the political power and influence of Prussia. Prussian custom-house regulations must ultimately be followed by the introduction of the Prussian monetary system, Prussian post-offices and post-roads, Prussian weights and measures. It is also difficult to believe that a power so jealously alive as Austria to its general interests would suffer her ancient rival thus to aggrandize herself in Germany, and prepare the way for the absorption of its smaller states into the Prussian monarchy on some future favorable occasion, if the Austrian cabinet had not received satisfactory assurances of being allowed to assert its supremacy in Italy.

The political causes thus assigned for the course of Austria have passed into history as completely as the causes of the crusades; but the laws and institutions which I am attempting to depict are the legitimate results of influences which attracted the statesmanlike eye of Mr. Wheaton forty years ago, and remain vigorous as ever.

Although the customs taxes are imposed under federal laws, they are collected by state officers, and the collecting state accounts to the empire for the tax. Practically Prussia is much the largest collector.

It will be seen hereafter that this administrative system runs through all German institutions. In all the measures which tend to make Berlin the center of authority for Germany, the legislation is centripetal, or, as a German would say, unifying, and the administration is centrifugal or sectional.

3. A uniform system of weights and measures has been adopted throughout Germany, and an entirely new system of coinage, based upon the old Prussian Vereins thaler and groschen system. Ten pfennigs make a groschen, which, however, as a distinct name for a coin, has disappeared, and the coin is known in the new coinage as ten pfennigs. Ten of these pieces make a mark, of about the value of a quarter of a dollar, and ten marks make a crown. The limited paper circulation which is permitted is issued by the bank of the empire, under imperial law. The executive administration of the mints, like that of the customs, is done by state officials.

4. An imperial bank has been created, which went into effect on the 1st of January, 1876. With it the Bank of Prussia disappeared. Nearly simultaneously with the law for the creation of this institution a general law (Bankgesetz) was passed for the regulation of banking, in execution of the fourth clause in article 4.

5. No patent law has yet been passed.\* The subject is in the hands of a commission, which is expected to make an early report.

6. *The protection of copy-right.*—Imperial laws have been enacted, not only for the protection of literary works, but also for protecting property in works of art and imagination, of photographs, of patterns, and of models.

7. General navigation laws have been passed providing for the registration of vessels, and for the mode of proof of their nationality for the use of the flag, and with such other provisions as are usual and necessary in that class of laws. Provision has also been made for a general consular representation of the empire. The several states of the empire still maintain the right of a consular and diplomatic representation as between themselves. Thus, most of the German powers maintain ministers here, and several maintain consuls at the free ports. Some of them also have reserved the right of a diplomatic representation abroad, which right is of little value, since diplomacy without an army is a shadow without substance. The right of consular representation abroad is in the empire; but, by a singular contradiction, the assent of the local government here is held to be essential for the recognition of a consul in Germany.

8. *Communication by land and water.*—An imperial railway bureau has been organized, and there has been some legislation respecting traveling by rail and the protection of passengers, and the modes of remedy or compensation in case of injury or loss of life. Imperial military railways are also in the process of construction between Berlin and the French frontier. But the great power conferred by the eighth clause to acquire the roads within the empire, and to work them for its benefit, is still in abeyance.

9. The several subjects referred to in clause nine would seem to belong exclusively to imperial legislation, since, in the absence of a common legislature, they would naturally form the subject of international agreement.

10. The rates of postage and of telegrams are uniform throughout the empire, except that Bavaria and Württemberg can each within its own

\*NOTE.—Since this dispatch was written, a general patent law for the empire has been enacted.

limits fix the rates of internal postage. With the exception of these two states, the office is managed and the revenue collected by the post-master-general. This office is an exception to the general rule of local state administration under imperial law.

11 and 12. Laws have been enacted for the enforcement of foreign judgments. Some provisions have also been made by regulation for the extradition of criminals. As between the different states of Germany, the matters referred to in clauses 11 and 12 are mainly regulated by internal arrangements between the respective states. With foreign states they are, in most cases, regulated by treaties.

13. The thirteenth is a sweeping clause—far more sweeping than the similar provisions in the Constitution of the United States. It authorizes the Reichstag to legislate for Germany respecting (1) the whole civil law, (2) criminal law, and (3) judicial proceedings. The first power embraces much that has already been referred to in the first subdivision in this dispatch; the second authorizes the legislature to unify the classification of offenses and their punishment throughout the empire; and the third conveys a like authority with respect to judicial proceedings of every kind.

With reference to the civil law, I have already referred to the finished codifications of commercial law. Other codes are still in course of preparation. A commission has been charged with the framing of a bill, which, as to real estate, is intended at no distant day to assimilate throughout Germany the laws concerning the tenure and transmission of that species of property. It is also contemplated to enact general provisions respecting the acquisition and distribution of personal property, so that property-holders throughout the empire will come to look upon the federal authority as the guardian of their possessions. Thus, in these important matters, unity of law and of system is already established in a large degree throughout Germany, and active measures are in progress for completing that unity.

The power to establish a uniform system of criminal legislation for the empire has been exercised. The "Strafgesetz," like several other laws, was in fact worked up by the legislature of the North German Union, and their work was adopted by the empire. The original law has, however, been much amended. My Nos. 258, 274, and 280 refer to an extensive amendment which was made to the law about a year ago.

With this brief sketch of the legislation as to other powers conferred by paragraph 13, we come to consider the laws for the administration of justice. The present system of courts includes a system of commercial courts (Handelsgericht), and there exists at Leipzig a supreme court of this class (Oberhandelsgericht) for the empire. These courts are to be absorbed in the new courts when the new system comes in force, which is not to be later than October 1, 1879. The "Reichsjustizgesetze" include four statutes, which provide a uniform system of proceedings throughout the empire. The "Strafprozessordnung" gives a uniform system of proceedings for the punishment of crimes; the "Civilprozessordnung" a uniform system of proceedings in civil matters; and the "Konkursordnung" a uniform system of bankruptcy. The "Gerichtsverfassungsgesetz" strikes at the root of the conflicting systems of jurisprudence, and establishes throughout Germany a new system, based upon the Hanoverian.

The present mode of administering law throughout Germany is, with some exceptions which I shall notice, not very different in the different states. To explain its practical operations, I will endeavor to describe the Prussian system of administering justice which the new law dis-

places. It is, in most respects, unlike our own, and unlike the English system on which ours was originally framed. It also bears little resemblance to the French reflex of Roman law, which has been the model of many modifications in our original system.

When I speak of the Prussian system, I mean the one which prevails in most of what is known as Prussia. The modern Prussia is largely a creation by conquest, and there are parts of the kingdom in which the legal systems of the parent monarchy have never taken root. The laws and forms of Prussia proper obtain in the two Prussias, in Brandenburg, in Pomerania, in Posen, in Silesia, in the most of Westphalia, in a part of the Rhine country, and in the two Hohenzollerns. These are the laws and forms to which I refer as Prussian.

The courts in these provinces of Prussia are distinguished from our own courts, and from the courts of most other countries, in three ways:

1st. The bar is not an open bar, accessible to all who acquire the requisite learning and possess the proper moral qualities. On the contrary, it is a small and closely restricted body, much less in number than the court before which it practices. Within the Prussian territory where the system prevails, there are 3,158 judges and 1,106 lawyers.

2d. The bench is not fed from the bar. This would seem to follow from the figures which I have given. Each is a distinct career. Young men enter the one or the other at the commencement of their business lives, and are seldom transferred from one to the other. Official transfers are practically made more often from the bench to the bar than the reverse. This is because both positions are under government control, and the bar is much the more profitable of the two. As an offset to this the judge has a good social position, but the lawyer has no recognized social position among the ruling classes.

3d. The judges are paid in two ways: first, by a small and quite inadequate salary; and, second, by gratuities, which are given by the minister of justice of the day, in order to enable them to meet extraordinary expenses which they may have been obliged to incur personally, or in their families. The amount of the first is graded to the necessities of the cheapest man. The second is intended to equalize the condition of judges by enabling the man who incurs unusually heavy expenses by reason of a large family, or other meritorious cause, to meet them and to enjoy the same freedom as his colleague who does not incur such expenses. To the first sum the judge has a right in every contingency; for the second, he is dependent upon the good-will of the political minister of the day.

The course of preparation for the future judge and the future attorney in these Prussian states is identical. To fit himself for either place the candidate must attend a course of lectures as a student of law in the university, and in order to do that, he must first have graduated at a "gymnasium." The gymnasium is a public school of the highest character maintained under general and obligatory provisions of law, and superior to many and equal to most American colleges. It takes the pupil at an age when he is fitted to enter on the classics, and it provides for him a systematic course of instruction in classics, history, and the natural sciences. If the pupil passes the rigid examination at its close, he may be fairly regarded as a Bachelor of Arts in the fittest sense of the term.

The student of law attends the university lectures for three years. He then submits himself to an examination, in order to determine whether he is qualified to act as an assistant to the courts, and if he passes the examination he receives an appointment as referendarius.

This entitles him to commence practice, but not yet as an attorney. He can only act as an assistant to the courts, or as a clerk in an attorney's office. He spends four years in this capacity before he is entitled to present himself for the second examination. This passed, he may be called to the bar or the bench. He then inscribes his name on the list of candidates for the career which he may elect, whether as a judge or as an attorney, and he awaits in patience an appointment to the desired place by the minister of justice. He will probably have to wait years for it; but, meanwhile, if he is to be called to the bar he will act as an assistant in the offices of other attorneys, or of the public prosecutors; or, if he is to sit upon the bench, he will serve an apprenticeship as an assistant in the courts. Until he is appointed to a vacancy at the bar he cannot appear in court. When once appointed he takes the title of *Rechtsanwalt*, and becomes both barrister and attorney.

If he is made a judge he is first appointed to the lowest court, called, in cities of 50,000 inhabitants, the *Stadtgericht*, and elsewhere the *Kreisgericht*. Here he must serve at least four years, when he will be qualified to be promoted to the court of appeals, of which there are twenty-one in those portions of Prussia. The supreme court of Prussia is the highest judicial post. It consists of a president, five vice-presidents, and sixty-two judges, and has no original jurisdiction. To this post a judge can aspire when he has served four years either as a member of a court of appeals, or as a director in a *Stadt- or Kreisgericht*.

The system which thus obtains in the most of Prussia also prevails, with more or less modifications, in Saxony, Bavaria, and Baden. *Württemberg* has an antique system of its own, unlike anything else in Germany. In some parts of the Rhine provinces the forms which were assumed at the time of their connection with France are still preserved. We are now in a position to appreciate the features of the system which the new code is to extend over Germany.

And first, no provision is made respecting the qualifications and mode of appointment of attorneys. For the present this remains a subject of state legislation. The *Reichstag* could not agree upon a system. The law-reformers, headed by Professor Gneist, wished to follow the example of England and America in an open bar; but the combined influence of the several ministers of justice of the individual states, who were averse to surrender valuable patronage, and of some lawyers in the house, who did not wish to open their close body to competition (although it would be very unjust to make this imputation against them as a class), was too much for the reformers. The subject, however, is not abandoned. The *Reichsjustizamt* is preparing a bill, which will probably be introduced at the next session of the *Reichstag*. It is understood to be based upon the principle of freedom of the bar,\* with the exception of the *Reichsgericht*.

The bench, however, throughout Germany, is to be recast in the iron mold of the imperial *Justizgesetz*. In each state there are to be hereafter *Amtsgerichte*, *Landesgerichte*, and *Oberlandesgerichte*, whose grade ascends in the order thus stated, and whose functions and powers, defined and regulated by imperial law, are to be uniform in all the states. Each state in which there is more than one *Oberlandesgericht*, with the exception of Saxony (that is, Prussia, Bavaria, *Württemberg*, and Baden), can have a supreme court. Saxony does not have this privilege, because the seat of the imperial *Reichsgericht* is at *Leipzig*. I am told that Prussia also intends to do away with its

\* NOTE.—The bill introduced since the date of this dispatch does not contemplate a free bar.

supreme court. An imperial supreme court (Reichsgericht) is established, which is to be superior to all these courts on all questions which are properly referable to it. It is also to act as a general appellate court for the states which have no supreme court; and for the great states which have supreme courts it is an appellate court in causes involving imperial rights or the construction of imperial laws, and for judgments in criminal proceedings. The judges of the state courts are to be appointed by state authority; those of the Reichsgericht by the Emperor, on the nomination of the Bundesrath. In passing the bill it was well considered where the power of this nomination should be placed, and it was thought wisest to reserve a power so essentially federal to the body representing the several state sovereignties.

The avenue to the bench under the new law resembles that already described. Few departures from it are essential. The attendance in the university preliminary to the first examination is fixed at three years, of which a year and a half may be spent at a non-German university. Before the second examination can be passed three more years must have been spent in actual service in the courts or in an attorney's office. The original draught of the bill did not contain these provisions, but left each state free to determine for itself the standard of qualification for its own judges. The change was proposed in the Reichstag. It was resisted on the ground that the constitution does not empower the federal legislature to impose such conditions on the individual states, but the opposition was unsuccessful.

When a candidate passes his first examination in one state he may complete his course and pass his second examination in another state, if he wishes, and when once qualified he may be appointed as a judge in any state without reference to local law respecting qualifications. This overrides all conflicting provisions of Prussian law to which I have alluded.

All judges are to be appointed for life, and are to be removed only for cause. They cannot be transferred from one court to another against their will. If their services are dispensed with, without removal, their pay continues. The salary is fixed, with no contingent fees, but they are to receive gratuities, as Prussian judges do. The reformers attempted, but without success, to prevent the giving gratuities. They also tried, with equal want of success, to prevent the bestowal of decorations on judges. The decoration being an ornament much prized by a German, they reasoned that it might be made a means of influence.

The life-tenure of office and other like provisions were resisted by the advocates of states-rights. The Saxon minister of justice said :

The application and execution of imperial law, when the imperial constitution does not make an exceptional provision, belong to the several states and their officials. The latter are responsible only to their own governments, even when they execute imperial laws. The relation between the sovereign state and its official is cut to the root if the duration of their connection is to be regulated by imperial legislation. If the state is to be no longer independent in regulating the personal service of its own officers, if the state official in his relation to the state is to be severed from state law, if the wishes, the expectations, and even the complaints of an official who is dissatisfied are to be directed to a power and watched by a surveillance outside the state, the consequences of such a state of things cannot be foreseen. The first step of the imperial legislature in this direction is a great infringement of the rights of the several states, which, in the opinion of the Saxon Government, they ought not to surrender.

I am of the opinion that if the relation between the state and its judicial officers is severed, little more than the name and the glory remain.

To this Professor Gneist (who was one of the commission by whom the bill was prepared) replied :

If our unity in the German Empire is not to permit us to say to-day, as we have

said for a thousand years past, that to a properly constituted court belong certain qualifications essential for the guarantee of its independence, then, gentlemen, let us spare ourselves these laws, for without this guarantee all judiciary laws are worthless.

The house concurred with Professor Gneist by a large majority.

It would be presumptuous in me to attempt to point out to a statesman of your experience the far-reaching influence of such legislation. I permit myself only to refer again to the fact that, while the legislation is centralizing, in so far as the courts are created and the functions of its officers are defined by imperial law, those officers are to be appointed and paid by the executives of the individual states.

14. *The imperial army and navy.*—There are many constitutional provisions on this subject. Every German, of every rank of life, is liable to perform military duty. In time of peace the army is fixed at 1 per centum of the population, as it was in 1867. The expense of the army is defrayed from the federal chest. It is under the command of the Emperor, to whom an oath of allegiance is taken.

The laws passed in accordance with the provisions of the constitution have further provided that every German, on arriving at the age of eighteen years, is deemed to be under military authority, and cannot emigrate without permission. If he has not volunteered to do military duty before the 1st of January next following the completion of his twentieth year, he must then present himself for active service, which lasts three years. Then he is three years in the reserves and five in the landwehr. His name then stands on the landsturm rolls until he is forty-three years of age.

These provisions are varied by conventions prior to the constitution. The result of the conventions and of the imperial laws was stated in my No. 440, to which I beg to refer in case statements more detailed than the following are desired.

The entire army of the empire is required to be organized on the Prussian system, and to be maintained up to the Prussian standard. In order to assure this, the highest army officials have the right to test the contingents from the non-Prussian states, and to correct deviations from the Prussian standard.

The contingents from the two Mecklenburgs, Oldenburg, Hamburg, Lippe, Lübeck, Bremen, Schwarzburg-Sonderhausen, Lippe-Schaumburg, and Waldeck are incorporated in the Prussian contingent, the several sovereigns serving ordinarily as officers in the Prussian army, and reserving to themselves only the right of conferring honorary distinctions. The Thuringian duchies each raises its own contingent, which is registered and numbered in the Prussian army, but remains at home when not actually required for service. When called into imperial service it is officered by the King of Prussia, and is regarded as part of the Prussian army. The grand duchies of Baden and Hesse each maintains an army corps strictly subject to the provisions of the imperial constitution. Practically the King of Prussia, as Emperor, moves Baden officers into Prussia, and *vice versa*. This cannot be done with Saxony, which enjoys entire freedom in its military organization, subject only to the obligation to pay into the imperial treasury any surplus out of the proportion allowed for its contingent. Every Saxon general is obliged to send a written oath to the Emperor that he will hold his command only in conformity with the Emperor's orders. The officers of the Würtemberg contingent swear obedience to the Emperor, but their King is not obliged to account to the Emperor for any saving there may be in maintaining his contingent. Bavaria maintains her own army, regulates its rate of expenditure, and retains her own military laws, subject



to the obligation to adopt the Prussian system. The military oath of obedience to the Emperor is taken in time of war.

Under the system and regulation which existed during the war with France, 3.87 per centum of the Prussian group of states—3.13 of that of Bavaria, 2.762 of that of Saxony and 2.356 of that of Württemberg were called into active service. Since that time imperial legislation has increased the amount of the available force and the facility for mobilizing it, and has placed it under a central will in Berlin.

It seems hardly necessary to say that the small but efficient navy is a thing of imperial creation. It did not practically exist until the possession of Kiel gave a naval station to Prussia. Its expense is defrayed from the imperial budget, and it is under the Emperor, as Emperor, and not as King of Prussia. Prussia, indeed, attempted, in 1849, to have a navy, and decreed upon paper, in 1852, that a naval station should be made at Wilhelmshafen, but little was done on either the navy or the post until 1871.

15. *Surveillance of the medical and verterinary professions* ; and,

16. *The press, associations, &c.*—I have already had occasion to refer to the laws enacted under these grants of power, and it is unnecessary to say more about them.

This dispatch would be incomplete without a reference to the executive and administrative machinery of the empire. If this machinery is crude, and to some extent undefined in its functions and purposes, and if the incumbents can scarcely yet be said to deserve the name of ministers, these facts can be fully accounted for by the anomalous position of the latter. The King of Prussia is at once King and Emperor. His Prussian ministers still hold their portfolios in Berlin, and some of them are at once Prussian and imperial officers. The Prussian minister is still, as he has ever been, the personal servant of the sovereign, responsible only to him, and having no responsibility to or for the other ministers. It is quite natural that the imperial system should partake of the nature of the parent system upon which it is formed. But though as yet no imperial ministry exists in the common acceptation of that term, there are executive officers charged with important trusts who may, in time, expand into a responsible constitutional ministry. There are the imperial chancery, with its president and its two directors, and the imperial post and telegraph office, and the imperial office of justice, and the sanitary office, and the office for the administration of the invalid funds. In view of the varied legislation above referred to, it will be seen that these offices (or departments, as we should call them) are already charged with plenty of business.

The federal legislation of Germany during the past ten years, first in the Parliament of North Germany and afterward in the Parliament of the empire, by the diligence with which it has been prosecuted, reminds one of the early legislation of the United States. But here the resemblance ceases; for the subjects with which the German legislators have dealt go far wider in extent and far deeper into the social structure than the subjects which occupied the attention of our early Congresses. I think that even the very imperfect and summary review of their work which I have made justifies me in the conviction that the learned and far-seeing statesmen who are patiently building up the structure of German unity are founding an empire which will be able to resist internal shocks and dissensions, whatever may be its fate when it has to face a military attack from without.

I have, &c.,

J. O. BANCROFT DAVIS.

[Inclosure.—Translation.]

## CONSTITUTION OF THE GERMAN EMPIRE.

We, William, by the grace of God German Emperor, King of Prussia, &c., do hereby ordain, in the name of the German Empire, with the consent of the Bundesrath (federal council) and the Reichstag (diet), as follows:

§ 1. Instead of the constitution of the Germanic Confederation, adopted by the North German Union and the Grand Duchies of Baden and Hesse (Bundesgesetzblatt for 1870, p. 627 *et seq.*), and instead of the treaties concluded with the kingdoms of Bavaria and Württemberg with regard to their adoption of that constitution, said treaties bearing date November 23 and 25, 1870 (Bundesgesetzblatt of the year 1871, p. 9, *et seq.*, and of the year 1870, p. 654, *et seq.*), the annexed constitution for the German Empire is adopted.

§ 2. The provisions of article 80 of the constitution of the Germanic Confederation mentioned in section 1\* (Bundesgesetzblatt of the year 1870, p. 647); of part III, section 8, of the treaty with Bavaria of November 23, 1870,† (Bundesgesetzblatt of the year 1871, p. 21, *seq.*); and of article 2, No. 6, of the treaty with Württemberg of November 25, 1870,‡ (Bundesgesetzblatt of the year 1870, p. 656), in relation to the adoption of the laws of the North German Union in those states, remain in force.

The laws therein referred to are laws of the Empire. Where reference is made in them to the North German Union, its constitution, territory, members, or states, citizenship, constitutional organs, citizens, officers, flag, &c., the German Empire and its respective belongings are to be understood.

The case is the same with regard to such laws of the North German Union as shall hereafter be adopted in any of the aforesaid states.

§ 3. The agreements in the protocol adopted at Versailles on the 15th of November, 1870,§ (Bundesgesetzblatt for 1870, p. 650); in the negotiations at Berlin, November 25, 1870,¶ (Bundesgesetzblatt for 1870, p. 657); in the final protocol of November 25, 1870,\*\* (Bundesgesetzblatt for 1871, p. 23, *seq.*); as well as those under IV of the treaty with Bavaria, of November 25, 1870,†† shall not be affected by the present law.

In witness, &c.

Done, &c.

## CONSTITUTION OF THE GERMAN EMPIRE.

His Majesty the King of Prussia, in the name of the North German Union, His Majesty the King of Bavaria, His Majesty the King of Württemberg, His Royal Highness, the Grand Duke of Baden, and His Royal Highness the Grand Duke of Hesse and by Rhine for those parts of the Grand Duchy of Hesse which are situated south of the Main, conclude an eternal Bund (union) for the protection of the territory of the Union, and of the laws of the same, as well as for the promotion of the welfare of the German people.

This union shall bear the name of the German Empire, and shall have the following constitution:

## I.—TERRITORY.

ARTICLE 1. The territory of the Union shall consist of the states of Prussia, with Lauenburg, Bavaria, Saxony, Württemberg, Baden, Hesse, Mecklenburg-Schwerin, Saxe-Weimar, Mecklenburg-Strelitz, Oldenburg, Brunswick, Saxe-Meiningen, Saxe-Altenburg, Saxe-Coburg-Gotha, Anhalt, Schwarzburg-Rudolstadt, Schwarzburg-Sondershausen, Waldeck, Reuss of the elder branch, Reuss of the younger branch, Schaumburg-Lippe, Lippe, Lübeck, Bremen, and Hamburg.

## II.—LEGISLATION OF THE EMPIRE.

ARTICLE 2. Within this territory the Empire shall have the right of legislation according to the provisions of this constitution, and the laws of the Empire shall take precedence of those of each individual state. The laws of the Empire shall be rendered binding by imperial proclamation, such proclamation to be published in a journal devoted to the publication of the laws of the Empire (Reichsgesetzblatt). If no other period shall be designated in the published law for it to take effect, it shall take effect on the fourteenth day after the day of its publication in the law-journal at Berlin.

\* See appendix No. 1 to this inclosure, p. 203.

† See appendix No. 2, p. 205.

‡ See appendix No. 3, p. 205.

§ See appendix No. 4, p. 205.

¶ See appendix No. 5, p. 207.

\*\* See appendix No. 6, p. 203.

†† See appendix No. 7, p. 210.

ARTICLE 3. There is one citizenship for all Germany, and the citizens or subjects of each state of the federation shall be treated in every other state thereof as natives, and shall have the right of becoming permanent residents, of carrying on business, of filling public offices, of acquiring real estate and citizenship of the several states, and may acquire all civil rights on the same conditions as those born in the state, and shall also have the same usage as regards civil prosecutions and the protection of the laws.

No German shall be limited, in the exercise of this privilege, by the authorities of his native state or by the authorities of any other state of the Union.

The regulations governing the care of paupers and their admission into the various municipal or communal organizations are not affected by the principle enunciated in the first paragraph.

In like manner those treaties shall remain in force until further provided which have been concluded between the various states of the Union in relation to the reception of persons who are to be banished, the care of sick, and the burial of deceased citizens.

With regard to the rendering of military service to the various states, the necessary imperial laws will be passed hereafter.

All Germans shall have equal claims upon the protection of the Empire against foreign countries.

ARTICLE 4. The following matters shall be under the supervision of the Empire and its legislature:

1. Provisions concerning freedom of trade, domicile and residence; the right of citizenship; the issuing and examination of passports; surveillance of foreigners and of trades and occupations, including insurance, so far as these matters are not already provided for by article 3 of this constitution (in Bavaria, however, exclusive of domestic affairs and matters relating to the settlement of natives of one state in the territory of another); and likewise matters relating to colonization and emigration to foreign countries.
2. Legislation concerning customs-duties and commerce, and such imposts as are to be applied to the uses of the Empire.
3. Regulation of weights, measures, and coinage, together with the emission of funded and unfunded paper-money.
4. Banking regulations in general.
5. Patents for inventions.
6. The protection of copyright.
7. The organization of a general system of protection for German trade in foreign countries, for German navigation, and for the German flag on the high seas; likewise the organization of a general consular representation of the Empire.
8. Railway matters (subject in Bavaria to the provisions of article 46), and the construction of means of communication by land and water for the purposes of home defense and of general commerce.
9. Rafting and navigation upon those waters which are common to several states, and the condition of such waters, as likewise river and other water dues; also navigation signals (light-houses, buoys, beacons, and other day-signals).
10. Postal and telegraphic affairs; but in Bavaria and Württemberg these shall be subject to the provisions of article 52.
11. Regulations concerning the execution of judicial sentences in civil matters, and the fulfillment of requisitions in general.
12. The authentication of public documents.
13. General legislation regarding the entire civil law, criminal law, and judicial proceedings.
14. The Imperial army and navy.
15. The surveillance of the medical and veterinary professions.
16. The press and associations.

ARTICLE 5. The legislative power of the Empire shall be exercised by the Bundesrath and the Reichstag. A majority of the votes of both houses shall be necessary and sufficient for the passage of a law.

When a law is proposed in relation to the army or navy, or to the imposts specified in article 35, the vote of the presiding officer shall decide in case of a difference of opinion in the federal council, if said vote shall be in favor of the retention of the existing arrangements.

### III.—THE BUNDESRATH.

ARTICLE 6. The Bundesrath shall consist of the representatives of the states of the Union, among whom the votes shall be divided in such a manner that Prussia, including the former votes of Hanover, the electorate of Hesse, Oldstein, Nassau, and Frankfurt, shall have 17 votes; Bavaria, 6 votes; Saxony, 4 votes; Württemberg, 4 votes; Baden, 3 votes; Hesse, 3 votes; Mecklenburg-Schwerin, 2 votes; Saxe-Weimar, 1 vote; Mecklenburg-Strelitz, 1 vote; Oldenburg, 1 vote; Brunswick, 2 votes; Saxe-

Meiningen, 1 vote; Saxe-Altenburg, 1 vote; Saxe-Coburg-Gotha, 1 vote; Anhalt, 1 vote; Schwarzburg-Rudolstadt, 1 vote; Schwarzburg-Sondershausen, 1 vote; Waldeck, 1 vote; Reuss, elder branch, 1 vote; Reuss, younger branch, 1 vote; Schaumburg-Lippe, 1 vote; Lippe, 1 vote; Lübeck, 1 vote; Bremen, 1 vote; Hamburg, 1 vote; total, 58 votes. Each member of the Union shall have a right to appoint as many delegates to the Bundesrath as it has votes; the total of the votes of each state shall, however, only be cast as a unit.

ARTICLE 7. The Bundesrath shall take action upon—

1. The measures to be proposed to the Reichstag and the resolutions passed by the same.

2. The general provisions and regulations necessary for the execution of the laws of the Empire, so far as no other provision is made by said laws.

3. The defects which may be discovered in the execution of the laws of the Empire, or of the provisions and regulations heretofore mentioned. Each member of the Union shall have the right to introduce motions, and it shall be the duty of the presiding officer to submit them for deliberation.

Legislative action shall take place by simple majority, with the exceptions of the provisions in articles 5, 37, and 78. Votes not represented or instructed shall not be counted. In the case of a tie the vote of the presiding officer shall decide.

When legislative action is taken upon a subject which, according to the provisions of this constitution, does not affect the whole Empire, the votes of only those states of the Union shall be counted which shall be interested in the matter in question.

ARTICLE 8. The Bundesrath shall appoint from its own members permanent committees—

1. On the army and the fortifications.

2. On naval affairs.

3. On duties and taxes.

4. On commerce and trade.

5. On railroads, post-offices, and telegraphs.

6. On the judiciary.

7. On accounts.

In each of these committees there shall be representatives of at least four states of the Union, beside the presiding officer, and each state shall be entitled to only one vote in the same.

In the committee on the army and fortifications Bavaria shall have a permanent seat; the remaining members of it, as well as the members of the committee on naval affairs, shall be appointed by the Emperor; the members of the other committees shall be elected by the Bundesrath. These committees shall be newly formed at each session of the Bundesrath, i. e., each year, when the retiring members shall again be eligible.

Besides, there shall be appointed in the Bundesrath a committee on foreign affairs, over which Bavaria shall preside, to be composed of the plenipotentiaries of the kingdoms of Bavaria, Saxony, and Württemberg, and of two plenipotentiaries of the other states of the Empire, who shall be elected annually by the Bundesrath. Clerks shall be placed at the disposal of the committees to perform the necessary work appertaining thereto.

ARTICLE 9. Each member of the Bundesrath shall have the right to appear in the Reichstag, and shall be heard there at any time when he shall so request, to represent the views of his government, even when the same shall not have been adopted by the majority of the Bundesrath. No one shall be at the same time a member of the Bundesrath and of the Reichstag.

ARTICLE 10. The Emperor shall afford the customary diplomatic protection to the members of the Bundesrath.

#### IV.—THE PRESIDENT.

ARTICLE 11. The King of Prussia shall be the President of the Union and shall have the title of German Emperor. The Emperor shall represent the Empire among nations, declare war, and conclude peace in the name of the same, enter into alliances and other conventions with foreign countries, accredit ambassadors and receive them. For a declaration of war in the name of the Empire the consent of the Bundesrath shall be required, except in case of an attack upon the territory of the confederation or its coasts.

So far as treaties with foreign countries refer to matters which, according to article 4, are to be regulated by the legislature of the Empire, the consent of the Bundesrath shall be required for their ratification, and the approval of the Reichstag shall be necessary to render them valid.

ARTICLE 12. The Emperor shall have the right to convene the Bundesrath and the Reichstag, and to open, adjourn, and close them.

ARTICLE 13. The convocation of the Bundesrath and the Reichstag shall take place

annually, and the Bundesrath may be called together for the preparation of business without the Reichstag; the latter, however, shall not be convoked without the Bundesrath.

ARTICLE 14. The convocation of the Bundesrath shall take place as soon as demanded by one-third of the number of its votes.

ARTICLE 15. The chancellor of the Empire, who shall be appointed by the Emperor, shall reside in the Bundesrath, and supervise the conduct of its business.

The chancellor of the Empire shall have the right to delegate in writing the power to represent him to any member of the Bundesrath.

ARTICLE 16. The necessary bills shall be laid before the Reichstag in the name of the Emperor, in accordance with the resolutions of the Bundesrath, and they shall be presented to the Reichstag by members of the Bundesrath, or by special commissioners appointed by said Bundesrath.

ARTICLE 17. To the Emperor shall belong the right to prepare and publish the laws of the Empire and the surveillance of their execution. The laws and regulations of the Empire shall be published in the name of the Emperor, and require for their validity the signature of the chancellor of the Empire, who thereby assumes the responsibility.

ARTICLE 18. The Emperor shall appoint the officers of the Empire, require them to take the oath of allegiance, and dismiss them when necessary.

Officials appointed to an office of the Empire from one of the states of the Union shall enjoy the same rights to which they were entitled in their native states by their official position, provided no other legislative provision shall have been made previously to their entrance into the service of the Empire.

ARTICLE 19. If states of the Union shall not fulfill their constitutional duties to the Union, proceedings may be instituted against them by execution. This execution shall be ordered by the Bundesrath, and enforced by the Emperor.

#### V.—THE REICHSTAG.

ARTICLE 20. The members of the Reichstag shall be elected by universal suffrage, and by direct secret ballot.

Until the regulation by law reserved by section 5 of the election law of May 31, 1869,\* (Bundesgesetzblatt, 1869, page 145), 48 delegates shall be elected in Bavaria, 17 in Württemberg, 14 in Baden, 6 in Hesse, south of the river Main, and the total number of delegates shall be 382.

ARTICLE 21. Officials shall not require a leave of absence in order to enter the Reichstag. When a member of the Reichstag accepts a salaried office of the Empire, or a salaried office in one of the states of the Union, or accepts any office of the Empire, or of a state, with which a higher rank or salary is connected, he shall forfeit his seat and vote in the Reichstag, but may recover his place in the same by a new election.

ARTICLE 22. The proceedings of the Reichstag shall be public. Truthful reports of the proceedings of the public sessions of the Reichstag shall subject those making them to no responsibility.

ARTICLE 23. The Reichstag shall have the right to propose laws within the jurisdiction of the Empire, and to refer petitions addressed to it to the Bundesrath or the chancellor of the Empire.

ARTICLE 24. Each legislative period of the Reichstag shall last three years. The Reichstag may be dissolved by a resolution of the Bundesrath, with the consent of the Emperor.

ARTICLE 25. In the case of a dissolution of the Reichstag, new elections shall take place within a period of sixty days, and the Reichstag shall reassemble within a period of ninety days after dissolution.

ARTICLE 26. Unless by consent of the Reichstag, an adjournment of that body shall not exceed the period of thirty days, and shall not be repeated during the same session without such consent.

ARTICLE 27. The Reichstag shall examine into the legality of the election of its members and decide thereon. It shall regulate the mode of transacting business and its own discipline by establishing rules therefor, and elect its president, vice-presidents, and secretaries.

ARTICLE 28. The Reichstag shall pass laws by absolute majority. To render the passage of laws valid, the presence of the majority of the legal number of members shall be required.

\* See appendix No. 8, p. 210.

ARTICLE 29. The members of the Reichstag shall be the representatives of the entire people, and shall not be subject to orders and instructions.

ARTICLE 30. No member of the Reichstag shall at any time suffer legal or disciplinary prosecution on account of his vote, or on account of utterances made while in the performance of his functions, or be held responsible outside of the Reichstag for his actions.

ARTICLE 31. Without the consent of the Reichstag, none of its members shall be prosecuted or arrested during the session for any offense committed except when arrested in the act of committing the offense or in the course of the following day. The same rule shall apply in the case of arrests for debt.

At the request of the Reichstag all legal proceedings instituted against one of its members, and likewise imprisonment, shall be suspended during its session.

ARTICLE 32. The members of the Reichstag shall not be allowed to draw any salary or be compensated as such.

#### VI.—CUSTOMS AND COMMERCE.

ARTICLE 33. Germany shall form a Customs and Commercial Union (Zollverein), having a common frontier for the collection of duties. Such territories as cannot, by reason of their situation, be suitably embraced within the said frontier, shall be excluded. It shall be lawful to introduce all articles of commerce of a state of the Union into any other state of the Union without paying any duty thereon, except so far as such articles are subject to taxation therein.

ARTICLE 34. The Hanseatic towns, Bremen and Hamburg, including a district from their own, as the surrounding territory requisite for such purpose, shall remain free posts outside of the common boundary of the Zollverein, until they shall request to be admitted into the said Union.

ARTICLE 35. The Empire shall have the exclusive power to legislate concerning everything relating to the customs, the taxation of salt and tobacco manufactured or raised in the territory of the Union, concerning the taxation of manufactured brandy and beer, and of sugar and sirup prepared from beets or other domestic productions. It shall have exclusive power to legislate concerning the mutual protection of taxes upon articles of consumption levied in the several states of the Empire; against defraudation, as well as concerning the measures which are required, in granting exemption from the payment of duties, for the security of the common customs frontier. In Bavaria, Württemberg, and Baden, the matter of imposing duties on domestic brandy and beer is reserved for the legislature of each country. The states of the Union shall, however, endeavor to bring about uniform legislation regarding the taxation of these articles.

ARTICLE 36. The collection and administration of duties and excises on articles of consumption (article 35) is left to each state of the Union within its own territory, so far as this has been done by each state heretofore.

The Emperor shall supervise the legality of the proceeding, by officials of the Empire, whom he shall designate as adjuncts to the customs or excise offices, and boards of directors of the several states, after hearing the committee of the Bundesrath on customs and revenues.

Notices given by these officials as to defects in the execution of the laws of the Empire (article 35) shall be submitted to the Bundesrath for action.

ARTICLE 37. In taking action upon the rules and regulations for the execution of the laws of the Empire, (article 35,) the vote of the presiding officer shall decide whenever he shall pronounce for upholding the existing rule or regulation.

ARTICLE 38. The amounts accruing from customs and other revenues designated in article 35 of this constitution, so far as they are subject to legislation by the Reichstag, shall go to the treasury of the Empire. This amount is made up of the total receipts from the customs and other revenues, after deducting therefrom—

1. Tax compensations and reductions in conformity with existing laws or regulations.
2. Reimbursements for taxes duly imposed.
3. The costs for collection and administration, viz:
  - a. In the department of customs, the costs which are required for the protection and collection of customs on the frontiers and in the frontier districts.
  - b. In the department of the duty on salt, the costs which are used for the pay of the officers charged with collecting and controlling these duties in the salt-mines.
  - c. In the department of duties on beet-sugar and tobacco, the compensation which is to be allowed, according to the resolutions of the Bundesrath, to the several state governments for the costs of the administration of these duties.
  - d. Fifteen per cent. of the total receipts in the departments of the other duties.

The territories situated outside of the common customs frontier shall contribute to the expenses of the Empire by paying an *aversum* (a sum of acquittance).

Bavaria, Württemberg, and Baden shall not share in the revenues from duties on liquors and beer, which go into the treasury of the Empire, nor in the corresponding portion of the aforesaid *aversum*.

ARTICLE 39. The quarterly statements to be regularly made by the revenue officer<sup>s</sup> of the several states at the end of every quarter, and the final settlements (to be made<sup>e</sup> at the end of the year, and after the closing of the account-books) of the receipts from customs, which have become due in the course of the quarter, or during the fiscal year, and the revenues of the treasury of the Empire, according to article 38, shall be arranged by the boards of directors of the several states, after a previous examination in general summaries, in which every duty is to be shown separately. These summaries shall be transmitted to the committee on accounts of the Bundesrath. The latter provisionally fixes, every three months, taking as a basis these summaries, the amount due to the treasury of the Empire from the treasury of each state, and it shall inform the Bundesrath and the several states of this act; furthermore, it shall submit to the Bundesrath, annually, the final statement of these amounts, with its remarks. The Bundesrath shall act upon the fixing of these amounts.

ARTICLE 40. The terms of the customs-union (Zollverein) treaty of July 8, 1867,\* remain in force, so far as they have not been altered by the provisions of this constitution, and as long as they are not altered in the manner designated in articles 7 and 78.

#### VII.—RAILWAYS.

ARTICLE 41. Railways which are considered necessary for the defense of Germany or for purposes of general commerce may be built for the account of the Empire by a law of the Empire, even in opposition to the will of those members of the Union through whose territory the railroads run, without detracting from the rights of the sovereign of that country; or private persons may be charged with their construction and receive rights of expropriation. Every existing railway company is bound to permit new railroad lines to be connected with it at the expense of these latter. All laws granting existing railway companies the right of injunction against the building of parallel or competition lines are hereby abolished throughout the Empire, without detriment to rights already acquired. Such right of injunction can henceforth not be granted in concessions to be given hereafter.

ARTICLE 42. The governments of the several states bind themselves, in the interest of general commerce, to have the German railways managed as a uniform net-work, and for this purpose to have the lines hereafter to be built constructed and equipped according to a uniform system.

ARTICLE 43. Accordingly, as soon as possible, uniform arrangements as to management shall be made, and especially shall uniform regulations be instituted for the police of the railroads. The Empire shall take care that the administrative officers of the railway lines keep the roads always in such a condition as is required for public security, and that they be equipped with the necessary rolling-stock.

ARTICLE 44. Railway companies are bound to establish such passenger-trains of suitable velocity as may be required for ordinary travel, and for the establishment of harmonizing schedules of travel; also, to make provision for such freight-trains as may be necessary for commercial purposes, and to establish offices for the direct forwarding of passenger- and freight-trains, to be transferred when necessary from one road to another at the customary remuneration.

ARTICLE 45. The Empire shall have control over the tariff of fares. The same shall endeavor to cause—

1. Uniform regulations to be speedily introduced on all German railway lines.

2. The tariff to be reduced and made uniform as far as possible, and particularly to cause a reduction of the tariff for the transport of coal, coke, wood, minerals, stone, salt, crude iron, manure, and similar articles for long distances, as demanded by the interests of agriculture and industry, and to introduce a one-penny tariff as soon as practicable.

ARTICLE 46. In case of distress, especially in case of an extraordinary rise in the price of provisions, it shall be the duty of the railway companies to adopt temporarily a low special tariff, to be fixed by the Emperor, on motion of the competent committee of the Bundesrath, for the forwarding of grain, flour, vegetables, and potatoes. This tariff shall, however, not be less than the lowest rate for raw produce existing on the said line.

The foregoing provisions, and those of articles 42 to 45, shall not apply to Bavaria.

\* See Appendix No. 9, p. 212.

The imperial government has, however, the power also with regard to Bavaria, to establish, by way of legislation, uniform rules for the construction and equipment of such railways as may be of importance for the defense of the country.

ARTICLE 47. The managers of all railways shall be required to obey, without hesitation, requisitions made by the authorities of the Empire for the use of their roads for the defense of Germany. Particularly shall the military and all material of war be forwarded at uniform reduced rates.

#### VIII.—MAILS AND TELEGRAMS.

ARTICLE 48. The mails and telegraphs shall be organized and managed as government institutions throughout the German Empire. The legislation of the Empire in regard to postal and telegraphic affairs provided for in article 4, does not extend to those matters whose regulation is left to the managerial arrangement, according to the principles which have controlled the North German administration of mails and telegraphs.

ARTICLE 49. The receipts from mails and telegraphs are a joint affair throughout the Empire. The expenses shall be paid from the general receipts. The surplus goes into the treasury of the Empire (Section XII).

ARTICLE 50. The Emperor has the supreme supervision of the administration of mails and telegraphs. The authorities appointed by him are in duty bound and authorized to see that uniformity be established and maintained in the organization of the administration and in the transaction of business, as also in regard to the qualifications of employes.

The Emperor shall have the power to make general administrative regulations, and also exclusively to regulate the relations which are to exist between the post and telegraph offices of Germany and those of other countries.

It shall be the duty of all officers of the post-office and telegraph department to obey imperial orders. This obligation shall be included in their oath of office.

The appointment of superior officers (such as directors, counselors, and superintendents), as they shall be required for the administration of the mails and telegraphs, in the various districts, also the appointment of officers of the posts and telegraphs (such as inspectors or comptrollers), acting for the aforesaid authorities in the several districts in the capacity of supervisors, shall be made by the Emperor for the whole territory of the German Empire, and these officers shall take the oath of office to him. The governments of the several states shall be informed in due time, by means of imperial confirmation and official publication of the aforementioned appointments so far as they may relate to their territories. Other officers required by the department of mails and telegraphs, as also all officers to be employed at the various stations, and for technical purposes, and hence officiating at the actual centers of communication, &c., shall be appointed by the respective governments of the states.

Where there is no independent administration of inland mails or telegraphs, the terms of the various treaties are to be enforced.

ARTICLE 51. In assigning the surplus of the post-office department to the treasury of the Empire for general purposes (Article 49), the following proceeding is to be observed in consideration of the difference which has heretofore existed in the clear receipts of the post-office departments of the several territories, for the purpose of securing a suitable equalization during the period of transition below-named.

Of the post-office surplus which accumulated in the several mail-districts during the five years from 1861 to 1865, an average yearly surplus shall be computed, and the share which every separate mail-district has had in the surplus resulting therefrom for the whole territory of the Empire shall be fixed upon by a percentage.

In accordance with the proportion thus made, the several states shall be credited on the account of their other contributions to the expenses of the Empire with their quota accruing from the postal surplus in the Empire for a period of eight years subsequent to their entrance into the post-office department of the Empire. At the end of the said eight years this distinction shall cease, and any surplus in the post-office department shall go, without division, into the treasury of the Empire, according to the principle enunciated in article 49.

Of the quota of the post-office department surplus resulting during the aforementioned period of eight years in favor of the Hanseatic towns, one-half shall every year be placed at the disposal of the Emperor, for the purpose of providing for the establishment of uniform postal arrangements in the Hanseatic towns.

ARTICLE 52. The stipulations of the foregoing articles 48 to 51 do not apply to Bavaria and Württemberg. In their stead the following stipulation shall be valid for these two states of the Union:

The Empire alone is authorized to legislate upon the privileges of the post-office and telegraph departments, on the legal position of both institutions toward the public,



upon the franking privilege and rates of postage, and upon the establishment of rates for telegraphic correspondence, exclusive, however, of managerial arrangements, and the fixing of tariffs for internal communication within Bavaria and Württemberg.

In the same manner the Empire shall regulate postal and telegraphic communication with foreign countries, excepting the immediate communication of Bavaria and Württemberg, with their neighboring states, not belonging to the Empire, in regard to which regulation, the stipulation in article 49 of the postal treaty of November 23, 1867,\* remains in force.

Bavaria and Württemberg shall not share in the postal and telegraphic receipts which belong to the treasury of the Empire.

#### IX.—MARINE AND NAVIGATION.

ARTICLE 53. The navy of the Empire is a united one, under the supreme command of the Emperor. The Emperor is charged with its organization and formation, and he shall appoint the officers and officials of the navy, and in his name these and the seamen are to be sworn in. The harbor of Kiel and the harbor of the Jade are imperial war harbors. The expenditures required for the establishment and maintenance of the navy and the institutions connected therewith shall be defrayed from the treasury of the Empire.

All sea-faring men of the Empire, including machinists and hands employed in ship-building, are exempt from service in the army, but obliged to serve in the imperial navy.

The apportionment of men to supply the wants of the navy shall be made according to the actual sea-faring population, and the quota furnished in accordance herewith by each state shall be credited to the army account.

ARTICLE 54. The merchant-vessels of all the states of the Union shall form a united commercial marine.

The Empire shall determine the process for ascertaining the tonnage of sea-going vessels, shall regulate the issuing of tonnage-certificates and sea-letters, and shall fix the conditions to which a permit for commanding a sea-going vessel shall be subject.

The merchant-vessels of all the states of the Union shall be admitted on an equal footing to the harbors and to all natural and artificial water-courses of the several states of the Union, and shall receive the same usage therein.

The duties which shall be collected from sea-going vessels or levied upon their freights, for the use of naval institutions in the harbors, shall not exceed the amount required for the maintenance and ordinary repair of these institutions.

On all natural water-courses duties are only to be levied for the use of special establishments which serve for facilitating commercial intercourse. These duties, as well as the duties for navigating such artificial channels which are property of the state, are not to exceed the amount required for the maintenance and ordinary repair of the institutions and establishments. These rules apply to rafting, so far as it is carried on upon navigable water-courses.

The levying of other or higher duties upon foreign vessels or their freights than those which are paid by the vessels of the several states or their freights does not belong to the various states but to the Empire.

ARTICLE 55. The flag of the war and merchant navy shall be black, white, and red.

#### X.—CONSULAR AFFAIRS.

ARTICLE 56. The Emperor shall have the supervision of all consular affairs of the German Empire, and he shall appoint consuls, after hearing the committee of the Bundesrath on commerce and traffic.

No new state consulates are to be established within the jurisdiction of the German consuls. German consuls shall perform the functions of state consuls for the states of the Union not represented in their district. All the now existing state consulates shall be abolished, as soon as the organization of the German consulates shall be completed, in such a manner that the representation of the separate interests of all the states of the Union shall be recognized by the Bundesrath as secured by the German consulates.

#### XI.—MILITARY AFFAIRS OF THE EMPIRE.

ARTICLE 57. Every German is subject to military duty, and in the discharge of this duty no substitute can be accepted.

ARTICLE 58. The costs and the burden of all the military affairs of the Empire are to be borne equally by all the several states and their subjects, and no privileges to, or onerous distinctions between, the several states or classes are admissible. Where an equal distribution of the burdens cannot be effected *in natura* without prejudice to the public

\* See Appendix No. 10, p. 233.

welfare, affairs shall be equalized by legislation in accordance with the principles of justice.

ARTICLE 59. Every German capable of bearing arms shall serve for seven years in the standing army, ordinarily from the end of his twentieth to the beginning of his twenty-eighth year; the first three years in the army of the field, the last four years in the reserve; during the next five years he shall belong to the Landwehr. In those states of the Union in which, heretofore, a longer term of service than twelve years was required by law the gradual reduction of the required time of service shall take place in such a manner as is compatible with the interests and the war footing of the army of the Empire.

As regards the emigration of men belonging to the reserve, only those provisions shall be in force which apply to the emigration of members of the Landwehr.

ARTICLE 60. The strength of the German army in time of peace shall be, until the 31st December, 1871, one per cent. of the population of 1867, and shall be furnished by the several states of the Union in proportion to their population. In future the strength of the army in time of peace shall be fixed by legislation.

ARTICLE 61. After the publication of this constitution the entire Prussian military legislation shall be introduced without delay throughout the Empire, as well the statutes themselves as the regulations, instructions, and ordinances issued for their execution, explanation, or completion; thus, in particular, the military penal code of April 3, 1845; the military penal code of procedure of April 3, 1845; the ordinance concerning the courts of honor of July 20, 1843; the regulations with respect to recruiting, time of service, matters relating to the service and subsistence, to the quartering of troops, claims for damages, mobilizing, &c., for times of peace and war. Orders for the attendance of the military upon religious services are, however, excluded. When a uniform organization of the German army shall have been established, a comprehensive military law for the Empire shall be submitted to the Reichstag and the Bundesrath for their action in accordance with the constitution.

ARTICLE 62. For the purpose of defraying the expenses of the whole German army, and the institutions connected therewith, the sum of 225 thalers shall be placed at the disposal of the Emperor until the 31st of December, 1871, for each man in the army on the peace footing, according to article 60. (See section XII.)

After the 31st of December, 1871, the payment of these contributions of the several states to the imperial treasury must be continued. The strength of the army in time of peace, which has been temporarily fixed in article 60, shall be taken as a basis for calculating these amounts until it shall be altered by a law of the Empire. The expenditure of this sum for the whole army of the Empire and its establishments, shall be determined by a budget law.

In determining the budget of military expenditures, the lawfully-established organization of the imperial army, in accordance with this constitution, shall be taken as a basis.

ARTICLE 63. The total land-force of the Empire shall form one army, which, in war and in peace, shall be under the command of the Emperor. The regiments, &c., throughout the whole German army shall bear continuous numbers. The principal colors and the cut of the garments of the royal Prussian army shall serve as a pattern for the rest of the army. It is left to commanders of contingent forces to choose the external badges, cockades, &c.

It shall be the duty and the right of the Emperor to take care that throughout the German army all divisions be kept full and well equipped, and that unity be established and maintained in regard to organization and formation, equipment and command in the training of the men, as well as in the qualification of the officers. For this purpose the Emperor shall be authorized to satisfy himself at any time of the condition of the several contingents, and to provide remedies for existing defects.

The Emperor shall determine the strength, composition, and division of the contingents of the imperial army, and also the organization of the Landwehr, and he shall have the right to designate garrisons within the territory of the Union, as also to call any portion of the army into active service.

In order to maintain the necessary unity in the care, arming, and equipment of all troops of the German army, all orders hereafter to be issued for the Prussian army shall be communicated in due form to the commanders of the remaining contingents, for their observance, by the committee on the army and fortifications, provided for in article 8, No. 1.

ARTICLE 64. All German troops are bound implicitly to obey the orders of the Emperor. This obligation shall be included in the military oath. The commander-in-chief of a contingent, as well as all officers commanding troops of more than one contingent, and all commanders of fortresses, shall be appointed by the Emperor. The officers appointed by the Emperor shall take the military oath to him. The appoint-

ment of generals, or of officers performing the duties of generals in a contingent force, shall be in each case subject to the approval of the Emperor. The Emperor has the right with regard to the transfer of officers, with or without promotion, to positions which are to be filled in the service of the Empire, be it in the Prussian army or in other contingents, to select from the officers of all the contingents of the army of the Empire.

ARTICLE 65. The right to build fortresses within the territory of the Empire shall belong to the Emperor, who, according to section XII, shall ask for the appropriation of the necessary means required for that purpose, if not already included in the regular appropriation.

ARTICLE 66. If not otherwise stipulated, the princes of the Empire and the senates shall appoint the officers of their respective contingents, subject to the restriction of article 64. They are the chiefs of all the troops belonging to their respective territories, and are entitled to the honors connected therewith. They shall have especially the right to hold inspections at any time, and receive, besides the regular reports and announcements of changes for publication, timely information of all promotions and appointments concerning their respective contingents. They shall also have the right to employ, for police purposes, not only their own troops but all other contingents of the army of the Empire which are stationed in their respective territories.

ARTICLE 67. The unexpended portion of the military appropriation shall, under no circumstances, fall to the share of a single government, but at all times to the treasury of the Empire.

ARTICLE 68. The Emperor shall have the power, if the public security of the Empire demands it, to declare martial law in any part thereof; until the publication of a law regulating the grounds, the form of announcement, and the effects of such a declaration, the provisions of the Prussian law of June 4, 1851,\* shall be substituted therefor. (Laws of 1851, page 451.)

*Addition to section XI.*

The provisions contained in this section shall go into effect in Bavaria as provided for in the treaty of alliance of November 23, 1870† (Bundesgesetzblatt, 1871, page 99, under III, section 5); in Württemberg, as provided for in the military convention of November 21-25, 1870, ‡ (Bundesgesetzblatt, 1870, page 658).

XII.—FINANCES OF THE EMPIRE.

ARTICLE 69. All receipts and expenditures of the Empire shall be estimated yearly, and included in the budget of the Empire. The latter shall be fixed by law before the beginning of the fiscal year, according to the following principles:

ARTICLE 70. In primo, the surplus of the previous year, as well as the customs duties, the common excise duties, and the revenues derived from the postal and telegraph service, shall be applied to the defrayal of all general expenditures. In so far as these expenditures are not covered by the receipts, they shall be raised, as long as no taxes of the Empire shall have been established, by assessing the several states of the Empire according to their population, the amount of the assessment to be fixed by the chancellor of the Empire in accordance with the budget agreed upon.

ARTICLE 71. The general expenditures shall be, as a rule, granted for one year; they may, however, in special cases be granted for a longer period. During the period of transition fixed in article 60, the financial estimate, properly classified, of the expenditures of the army shall be laid before the Bundesrath and the Reichstag solely for their information.

ARTICLE 72. An annual report of the expenditure of all the receipts of the Empire shall be rendered to the Bundesrath and the Reichstag, for the purpose of discharge, through the chancellor of the Empire.

ARTICLE 73. In cases of extraordinary requirements, the Empire may contract a loan or assume a guarantee by means of legislative enactment.

*Addition to section XII.*

Articles 69 and 71 apply to the expenditures for the Bavarian army only, according to the provisions of the addition to section XI of the treaty of November 23, 1870; and article 72 only so far as is required to inform the Bundesrath and the Reichstag of the assignment to Bavaria of the required sum for the Bavarian army.

\* See Appendix No. 11, p. 233.

† See Appendix No. 12, p. 236.

‡ See Appendix No. 13, p. 237.

## XIII.—SETTLEMENT OF DISPUTES AND MODES OF PUNISHMENT.

ARTICLE 74. Every attempt against the existence, the integrity, the security, or the constitution of the German Empire; finally, any offense committed against the Bundesrath, the Reichstag, a member of the Bundesrath or of the Reichstag, a magistrate or public official of the Empire, while in the execution of his duty or with reference to his official position, by word, writing, printing, signs, or caricatures, shall be judicially investigated, and, upon conviction, punished in the several states of the Empire according to the laws therein existing, or which shall hereafter exist in the same, according to which laws a similar offense against any one of the states of the Empire, its constitution, legislature, members of its legislature, authorities or officials is to be judged.

ARTICLE 75. For those offenses, specified in article 74, against the German Empire, which, if committed against one of the states thereof, would be deemed high treason, the superior court of appeals of the three free Hanseatic towns at Lübeck shall be the competent deciding tribunal in the first and last resort. More definite provisions as to the competency and the proceedings of the superior court of appeals shall be adopted by the legislature of the Empire. Until the passage of an imperial law the existing competency of the courts in the respective states of the Empire, and the provisions relative to the proceedings of those courts, shall remain in force.

ARTICLE 76. Disputes between the different states of the Union, so far as they are not of a private nature, and, therefore, to be decided by the competent courts, shall be settled by the Bundesrath at the request of one of the parties. Disputes relating to constitutional matters in those of the states of the Union whose constitution contains no provision for the settlement of such differences shall be adjusted by the Bundesrath at the request of one of the parties, or, if this cannot be done, they shall be settled by the legislative power of the Empire.

ARTICLE 77. If in one of the states of the Union justice shall be denied, and no sufficient relief can be procured by legal measures, it shall be the duty of the Bundesrath to receive substantiated complaints concerning denial or restriction of justice, which are to be judged according to the constitution and the existing laws of the respective states of the Union, and thereupon to obtain judicial relief from the government of the Union in the matter which shall have given rise to the complaint.

## XIV.—GENERAL PROVISIONS.

Amendments to the constitution shall be made by legislative enactment. They shall be considered as rejected when fourteen votes are cast against them in the Bundesrath. The provisions of the constitution of the Empire by which fixed rights of individual states of the Union are established in their relation to the whole, shall only be altered with the consent of that state which is immediately concerned.

## APPENDIX No. 1.

*Article 80 of the constitution of the German Union, as adopted by the North German Union and the Grand Duchies of Baden and of Hesse and by Rhine.*

XV.—*Transitional provision.*

ARTICLE 80. The laws enacted in the North German Union, which are hereafter noted, are hereby declared to be laws of the German Union, and as such are to be carried into effect from the specified dates throughout the whole territory of the Union, with the understanding that wherever in these laws of the North German Union the constitution, territory, members, or states, rights of native or naturalized citizens, constitutional organs, dependents, officers, flag, &c., are mentioned, the German Union and its corresponding functions are to be understood,—as follows:

I.—From the day when the present constitution goes into effect:

1. The law concerning passports, of the 12th October, 1867.
2. The law concerning the nationality of merchant-vessels and their right to carry the flag of the Union, of the 25th October, 1867.
3. The law concerning liberty to emigrate without being taxed for so doing, of the 1st November, 1867.
4. The law concerning the organization of the consulates of the Union as well as the rights and duties of the consuls of the Union, of the 8th November, 1867.
5. The law concerning the obligation to military duty, of the 9th November, 1867.

6. The law concerning stipulated rates of interest, of the 14th November, 1837.
7. The law concerning the abolishment of police limitations to the contraction of marriage, of the 4th May, 1868.
8. The law concerning the abolishment of imprisonment for debt, of the 29th May, 1868.
9. The law concerning the granting of pensions and aid for life to officers and higher military officials of the former army of Schleswig-Holstein, as well as to their widows and orphans, of the 14th June, 1868.
10. The law concerning the position of the trades-unions and guilds under private law, of the 4th July, 1868.
11. The law concerning weights and measures for the North German Union, of the 17th August, 1868.
12. The law concerning measures against the cattle-plague, of the 7th April, 1869.
13. The election law for the Reichstag of the North German Union, of the 31st May, 1869.
14. The law concerning the bonds to be given by officials of the Union, of the 2d June, 1869.
15. The law concerning the introduction of the general ordinance of the Nuremberg Supplement respecting promissory-notes, and of the general German trade laws, as laws of the Union, of the 5th June, 1869.
16. The law concerning revenue-stamps on notes and drafts in the North German Union, of the 10th June, 1869.
17. The law concerning the establishment of a supreme court for matters of trade, of the 12th June, 1869.
18. The law concerning attachment of wages for work or service, of the 21st June, 1869.
19. The laws concerning the granting of legal assistance (*aid of counsel*), of the 21st June, 1869.
20. The law concerning the equality of the religious beliefs, in the relations of citizens to the town and to the state, of the 3d July, 1869.
21. The law concerning the granting of pensions and aid for life to military men of lower rank of the former army of Schleswig-Holstein, as well as to their widows and orphans, of the 3d March, 1870.
22. The law concerning the abolishment of double taxes, of the 13th May, 1870.
23. The law concerning dues on rafting, of the 1st June, 1870.
24. The law concerning the attainment and loss of citizenship of the Union and of the state, of the 1st June, 1870.
25. The law concerning the copyright of literary work, pictures, musical compositions, and dramatical productions, of the 11th June, 1870.
26. The law concerning limited stock companies and ordinary stock companies, of the 11th June, 1870.
27. The law concerning the issue of paper money, of the 16th June, 1870.
28. The law concerning the right of consuls of the Union to solemnize marriages, &c., of the 4th May, 1870.

II.—On and after the 1st January, 1872, without relation to their former operation in the territory of the North German Union :

1. The law concerning the issue of bank-notes, of the 27th March, 1870, except in Hesse, south of the Main.
2. The law concerning the introduction of the penal code for the North German Union, of the 31st May, 1870.
3. The penal code of the North German Union, of the 31st May, 1870 ; and,
4. The laws concerning the postal ordinances of the North German Union, of the 2d November, 1867 ; concerning the postal taxes in the territory of the North German Union, of the 4th November, 1867 ; concerning the introduction of telegraph-stamps, of the 16th May, 1869 ; and concerning the franking privileges in the territory of the North German Union, of the 5th June, 1869.

In Hesse, south of the Main, shall be introduced, as laws of the Union, from the day when this constitution goes into effect :

The law concerning the closing and limiting of public gambling establishments, of the 1st July, 1868 ;

The law concerning the introduction of telegraph-stamps, of the 16th May, 1869 ;

The trade regulations of the North German Union, of the 21st June, 1869 ;

The law concerning the introduction of the penal code for the North German Union, of the 31st May, 1870 ; and,

The penal code of the North German Union, of the 31st May, 1870.

From the 1st July, 1871, the law concerning the determination of the domicile where aid may be obtained (by paupers), of the 6th June, 1870.

The law concerning the stamp-tax tax on drafts and promissory-notes of the 10th

June, 1869, shall be introduced in the Hohenzollern country from the day of the adoption of this constitution.

It belongs to the legislation of the Union to declare what remaining laws enacted by the North German Union shall be laws of the German Union, in so far as these laws relate to functions which constitutionally belong to the legislation of the German Union.

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### APPENDIX NO. 2.

*Part III, § 8 of the treaty with Bavaria, concluded at Versailles Nov. 23, 1870.*

§ 8.—The transitional provision of the article now numbered 79 of the constitution, which appears under Chap. II, § 26, of this treaty, is applicable to Bavaria only as regards the electoral law of May 31, 1869, for the Reichstag of the North German Union. This is on account of the time that has elapsed, and the necessity of many changes of other laws and regulations connected with the subject of the legislation of the Union.

As to the rest, the declaration that the laws enacted in the North German Union have become laws of the Union for the Kingdom of Bavaria, so far as these laws refer to matters which, according to the constitution, are subject to the legislation of the German Union, is reserved for the legislature of that Union.

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### APPENDIX NO. 3.

*Art. 2, par. 6 of the treaty with Würtemberg of Nov. 25, 1870.*

(6) *To article 80 of the constitution.*

The introduction of the following-named laws of the North German Union shall take place for Würtemberg, instead of those fixed in article 80, from the following dates:

I. From July 1, 1871: (1) The law of November 14, 1867, concerning interest fixed by agreement. (2) The law of June 12, 1869, concerning the creation of a supreme court of commerce and trade.

II. From January 1, 1872: (1) The law of June 21, 1869, concerning the attachment of wages due for labor or service. (2) The law of June 16, 1870, concerning the issue of paper money.

The introduction of the law of April 7, 1869, concerning measures to be adopted against the cattle-plague as a law of the Union, is reserved for the legislation of the Union as regards Würtemberg. The same is in force with the limitation implied by the above provision under No. 4, which limitation has reference to the postal and telegraph laws mentioned in article 80, under II, No. 4.

The law of July 1, 1868, concerning the closing and limitation of the public gambling establishments, shall be introduced as a law of the Union in Würtemberg on the day when the constitution of the Union goes into force.

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### APPENDIX NO. 4.

*Protocol concerning the agreement between the North German Union, Baden, and Hesse, in respect to the establishment of a German Union, and the adoption of the constitution of the Union. Done at Versailles, November 15, 1870.*

After His Majesty the King of Prussia, in the name of the North German Union, His Royal Highness the Grand Duke of Baden, and His Royal Highness the Grand Duke of Hesse and by Rhine had agreed to enter into negotiations concerning the establishment of a German Union, and had fully empowered for this purpose the following:

His Majesty the King of Prussia, in the name of the North German Union: the chancellor of the North German Union, president of the cabinet and minister of foreign affairs, Count Otto von Bismarck-Schönhausen; the royal Saxon minister of state for the finances and of foreign affairs, Richard, Baron von Friesen; and the president of the chancery of the Union, the minister of state, Martin Frederick Rudolph Delbrück;

His Royal Highness the Grand Duke of Baden: the president of the cabinet and

minister of state for the interior, Dr. Julius Jolly; and the president of the ministry of the grand ducal house and of foreign affairs, Rudolf von Freydorf;

His Royal Highness the Grand Duke of Hesse and by Rhine: the president of the cabinet and minister of the grand ducal house as well as of foreign affairs and of the interior, actual privy counselor, Baron Reinhard von Dalwigk zu Lichtenfels; and the envoy extraordinary and minister plenipotentiary, privy counsellor of legation, Karl Hoffman, —

These plenipotentiaries met in Versailles, and after their respective powers had been read and recognized, agreed on the subjoined constitution of the German Union. They further agree that this constitution, together with restrictions hereinafter to be mentioned, shall go into force on the 1st January, 1871, and give mutual assurance that they shall immediately be laid before the legislative bodies of the North German Union, of Baden, and of Hesse, for their acceptance, and afterward shall be ratified during the course of the month of December. The exchange of ratifications shall take place in Berlin.

In consideration of the great difficulties interposed by the advanced period of the year and the duration of the war, together with the fact that in several states the expenditure for the military of the German Union for the year 1871 has already been fixed, it is agreed that the community of expenditure for the army shall begin with the 1st January, 1872. Up to that time, therefore, the amount of the common taxes mentioned in article 35 shall not be paid over to the treasury of the Union, but to the treasuries of Baden and Hesse, to the latter with respect to the share due to South Hesse; and the shares of these states due to the treasury of the Union shall be collected by "matriculation-dues," (Matrikularbeiträge) the fixing of which shall be the duty of the Imperial Reichstag which is to meet next year.

The regulations of articles 49-52 of the constitution of the Union shall go into effect for Baden on the 1st January, 1872, so that time may be granted for the regulation and transfer by the state commission of the posts and telegraphs to the Union commission.

For the rest also the following declarations, made in the course of the discussion, were set down in the present protocol:

It was agreed—

1. With reference to article 18 of the constitution, that in the rights belonging to an official in the sense of the second section of this article, those rights are not included which belong to his surviving family as regards pensions or assistance.

2. With reference to articles 35 and 38 of the constitution, that the transitory duties to be raised in the future, in accordance with the Zollverein treaties, on brandy and beer, are to be viewed in the same light as those imposed on the manufacture of these beverages.

3. With reference to article 38 of the constitution, that while the present taxation of beer continues in Hesse, only that portion of the Hesse beer-tax which corresponds to the amount of the North German brewing malt-tax shall flow into the treasury of the Union.

4. With reference to Section VIII of the constitution, that the treaties by which the relations of postal and telegraphic affairs in Hesse toward the North German Union are governed are not changed by the constitution of the Union. In particular matters remain unchanged as regards payments for damage to public roads, as well as for damage to bridges and thoroughfares and other means of communication; further, with regard to compensation for the use of state and private railroads, and with regard to the right of free transmission of matter in South Hesse, as at present established, until the end of the year 1875. From January 1, 1876, the payments of tolls on turnpike-roads cease. What the status is to be as regards compensation for conveying the mails on railroads, as well as with regard to the South Hesse privileges of free transmission subsequent to January 1, 1876, is to be the subject of later agreement. The indemnification for tolls on roads, bridges, and other ways of communication will also be paid to the grand ducal Hesse government after January 1, 1876; the latter undertakes, however, in future, to compensate those to whom compensation is due in the same manner as heretofore.

5. With reference to article 52 of the constitution, the Baden representative remarked that the financial result of the management of the posts and telegraphs of the Union, as it had heretofore turned out and as estimated by the Union budget for 1871, gave no assurance, notwithstanding the provision of article 52, that the portion of the revenues accruing to Baden from these sources would even approximately reach the revenue which it at present derives from its own management, amounting to the average sum of 130,000 reichsthalers. They therefore considered it proper that Baden should be protected by a particular agreement from a deficit that would so sensibly affect its revenues.

Although on the part of others this anxiety of the Baden Government could not be pronounced as well founded, it was yet agreed that if in the course of the transition period the portion ascertained to be the portion of Baden according to a per cent

calculation of the post surpluses accruing in the Union in one year should not reach the sum of 100,000 reichs thalers, the sum wanting to this amount should be credited to Baden against its matricular dues. Such an accounting shall, however, not be held in a year during which warlike events take place in which the Union takes part.

6. With reference to article 56 of the constitution, the representatives of the North German Union, upon being questioned by the Baden representative, remarked that the President of the Union had already, after hearing the proper committee of the Bundesrath, established Union consulates, even when such establishment at a particular place was in the interest of only one of the states of the Union. In this connection, they also stated that the same course would be pursued in future.

7. With reference to article 62 of the constitution, it was agreed that the payment under this article by Baden of its contributions should begin with the first day of that month which followed the return of the Baden troops from a war to a peace footing.

8. With reference to article 78 of the constitution, it was pronounced on all sides to be a matter of course that those provisions of the constitution by which certain rights of particular states of the Union in their relations to the whole are established could only be altered with the consent of the state concerned.

9. With reference to article 80 of the constitution, the representatives were a unit in the matter of the law concerning the establishment of a supreme tribunal for commercial affairs, of July 12 of the previous year, as regards the point that a proper augmentation should be made to the number of the members of this tribunal by a supplement to the estimate for the same for 1871.

It was further generally understood that, among the laws made in the North German Union, concerning which it is reserved to the German Union to declare them to be laws of the German Union, the law of July 21 of the current year, concerning the extraordinary demand for money on the part of the military and marine management, was not one; and also that the law of May 31, of the current year, concerning the St. Gotthard Railway, would not be declared a law of the German Union, without a change being made in its provisions.

This protocol has been read, approved, and executed by the representatives named herein in a single copy, which is to be deposited in the archives of the chancery of the Union at Berlin.

v. BISMARCK.	[L. s.]
JOLLY.	[L. s.]
v. DALWIGK.	[L. s.]
v. FRIESEN.	[L. s.]
v. FREYDORF.	[L. s.]
HOFMANN.	[L. s.]
DELBRÜCK.	[L. s.]

The exchange of ratifications took place in Berlin.

## APPENDIX No. 5.

### *Agreement for the accession of Würtemberg to the constitution of the German Empire.*

(Negotiated at Berlin November 25, 1870.)

In signing the treaty concluded this day, concerning the accession of Würtemberg to the constitution of the German Union, adopted by the North German Union, Baden, and Hesse, the undersigned plenipotentiaries have agreed upon the following points:

1. The agreements made in the protocol dated Versailles, November 15, 1870, between the plenipotentiaries of the North German Union, Baden, and Hesse, and the declarations made by the plenipotentiaries of the North German Union—

- (a) With regard to the time when the constitution is to go into operation;
  - (b) With regard to the time when the cost of maintaining the army of the country shall be shared in common;
  - (c) To article 18 of the constitution;
  - (d) To articles 35 and 38 of the constitution;
  - (e) To article 56 of the constitution;
  - (f) To article 62 of the constitution;
  - (g) To article 78 of the constitution; and
  - (h) To article 80 of the constitution,
- Are also applicable to Würtemberg.



2. To article 45 of the constitution, it was agreed that upon the railways of Würtemberg, in matters of construction, business, and trade, not all the articles of transport mentioned in this article can be raised to the one-penny rate.

3. As to article 2, No. 4, of this day's treaty, the understanding was reached that the extension of the provisions concerning postal privileges to the internal trade of Würtemberg shall depend upon the consent of Würtemberg, so far as these provisions give the mails privileges which do not belong to them in Würtemberg according to existing legislation.

Read, approved, and signed.

v. FRIESEN.  
HOFMANN.  
DELBRÜCK.

v. FREYDORF.  
MITTNACHT.  
TÜRCKHEIM.  
v. SUCKOW.

#### APPENDIX No. 6.

*Concluding protocol to the treaty concerning the accession of Bavaria to the constitution of the German Union. Done at Versailles, Nov. 23, 1870.*

When the treaty concerning the conclusion of a constitutional alliance between His Majesty the King of Prussia, in the name of the North German Union, and His Majesty the King of Bavaria was subscribed, the undersigned plenipotentiaries agreed further concerning the following conventional additions and explanations:

##### I.

At the suggestion of the royal Bavarian plenipotentiary, it was agreed by the royal Prussian plenipotentiary that, inasmuch as the legislative power of the Union concerning domicile and settlement is not extended to Bavaria, the legislature of the Union has no power to regulate matters connected with marriage with binding force for Bavaria, and that, consequently, the law of 4th May, 1868, promulgated for the North German Union, concerning police limitations to the contraction of marriage, does not belong to those which could come into operation in Bavaria.

##### II.

It was agreed by the royal Prussian plenipotentiary that the power of the Union to legislate concerning state citizenship should be understood as comprising the power to regulate citizenship of both the Union and the state and to carry out the principle of the political equality of all religious confessions; and that this legislative power shall not extend to the question under what conditions any person should be allowed the exercise of political rights in any single state.

##### III.

The undersigned plenipotentiaries agree that, considering the exception to the legislative power of the Union, made under section I, the Gotha treaty of the 15th July, 1851, concerning mutual reception of banished and homeless persons, as well as the so-called Eisenach convention of the 11th July, 1853, concerning the care of sick and the burying of dead subjects, shall continue in force in so far as affects the relation of Bavaria to the other countries of the Union.

It was determined upon as a conventional regulation, considering the peculiar relations of the insurance of real estate, and of the close connection of the same with the mortgage-system, that if the legislation of the Union should busy itself with the insurance of real estate, the regulations determined upon by the Union can only be carried into effect in Bavaria with the agreement of the Bavarian Government.

##### V.

The royal Prussian plenipotentiary gave the assurance that in the preparation of a draught for a general German civil code, Bavaria shall be properly represented.

##### VI.

It was consented to by the royal Prussian plenipotentiary as an undisputed fact that, as concerns the matters referred to the Union for legislation, the laws and regulations

which now have force in the respective states shall remain in operation until the Union shall have settled upon binding rules.

## VII.

The royal Prussian plenipotentiary explained that His Majesty the King of Prussia, by reason of the presiding powers vested in him, the King of Bavaria agreeing thereto, will grant powers to the royal Bavarian envoys to the courts to which they are accredited, to take the place of the envoys of the Union in cases where the latter are prevented from attending to their duties. The royal Bavarian plenipotentiary, while accepting this explanation, added that the Bavarian envoys would be instructed to lend their aid to the envoys of the Union in all cases where it would tend to further the general interests of Germany.

## VIII.

In consideration of the services rendered by the Bavarian Government in putting its legations at the disposition of the Union, as mentioned in § VII, and in consideration of the circumstance that in those places where Bavarian legations exist the representation of Bavarian interests is not a part of the duty of the envoys of the Union, the Union undertakes that, in fixing the expenses for the diplomatic service, a proper allowance shall be made to Bavaria. The extent of this allowance remains for the present unfixed.

## IX.

The royal Prussian plenipotentiary acknowledged it as a right of the Bavarian Government that, in case Prussia should be prevented therefrom, its representative should preside in the Bundesrath.

## X.

It was agreed with reference to articles 35 and 38 of the constitution of the Union that the transition-taxes further to be levied according to the regulations of the Zollverein treaties on brandy and beer should be regarded in the same light as the taxes levied on the manufacture of these drinks.

## XI.

It was agreed that at the ratification of postal and telegraphic treaties with states outside of the German Union for the guarding of the interests of particular states, representatives of the states of the Union bordering on the foreign countries should be consulted, and that it is permitted to the single states of the Union to make treaties with other countries concerning postal and telegraphic affairs in so far as they relate entirely to traffic on their own borders.

## XII.

It was agreed with reference to article 56 of the constitution of the Union that each state of the Union has the right to receive foreign consuls, and to grant them exequaturs for its territory.

The assurance was further given that consuls would be appointed by the Union in those cases where the interests of but a single state seemed to require it.

## XIII.

It was further agreed that the law of the 21st July of this year, concerning the extraordinary demand for money for the army and navy departments, does not belong to those laws of the North German Union, the declaration of which to be laws of the German Union is left to the legislation of the Union; and that the law of the 31st May of this year, concerning the St. Gotthard Railway, could not, without a change in its contents, be declared a law of the Union.

## XIV.

In consideration of the provisions concerning the army and having especial reference to the fortifications, contained in Part III, § 5, (of the Bavarian treaty), it was further agreed as follows:

1. Bavaria is to receive, in perfect condition, the fortresses Ingolstadt and Germersheim, as well as the fortress of New Ulm, and those which are in the future to be erected at the common cost on Bavarian territory.

2. Such newly-built fortresses become, as regards their immovable effects, the exclusive property of Bavaria. Their movable effects, however, are the common property of the Union. As concerns the latter, the agreement of the 6th July, 1869, remains for the present in force, and it is also binding as regards the movable effects of the former Union fortresses of Mayence, Rastatt, and Ulm.

3. The fortress of Landau shall be razed immediately at the close of the present war. The equipments of this place, in so far as they are common property, shall be disposed of according to the principles upon which the agreement of the 6th July, 1869, rest.

4. Those matters of the Bavarian war regulations which are not mentioned in the treaty of to-day, or in this protocol, to wit, the nomenclature of the regiments, the uniforming, garrisoning, educating of soldiers, &c., are not affected thereby.

The right of the Bavarian officers to participate in the advantages of institutions for the higher military or technical education of officers is to remain as a subject for special consideration.

## XV.

If, in consequence of the lack of proper material, an error shall have arisen in the establishment of the literal sense of the constitution of the Union, Part I, articles 1 to 26, the contracting parties reserve to themselves the right of correcting them.

## XVI.

The declarations of this concluding protocol are binding in the same degree as those of the treaty of to-day concerning the conclusion of a conventional alliance, and shall be ratified together with the same.

Done at Versailles, 23d November, 1870.

V. BISMARCK.	[L. S.]
BRAY STEINBURG.	[L. S.]
FRH. V. PRANKH.	[L. S.]
V. LUTZ.	[L. S.]

## APPENDIX No. 7.

*Part IV of the treaty with Bavaria, concluded at Versailles Nov. 23, 1870.*

Since, in view of the great difficulties which the lapse of time and the continuance of the war place in the way of preparing a budget for this year for the military expenses of the German Union for the year 1871, and also in the way of determining the amounts to be expended by Bavaria on its army, the provisions under III, § 5, of this treaty, do not take effect until January 1, 1872, the amount yielded by the general taxes for the year 1871, referred to in article 35, will not go into the treasury of the Union, but remain in that of Bavaria, but Bavaria's share of the expenses of the Union shall be raised by taxes collected for that purpose.

## APPENDIX No. 8.

*The electoral law for the Reichstag (Diet) of the North German Union, enacted May 31, 1869.*

We, Wilhelm, by the grace of God King of Prussia, &c., with the consent of the Bundesrath and the Reichstag, ordain as follows, in the name of the North German Union:

## § 1.

Every North German who has attained the age of twenty-five years is an elector for the Reichstag of the North German Union in that state of the Union where he resides.

## § 2.

Soldiers of the army and navy are not entitled to vote during their term of service.

## § 3.

The following parties are excluded from the privilege of voting:

1. Persons who have been put under guardianship or curatorship (kuratel).
2. Persons against whom proceedings in court are had as bankrupts, viz, during the time of such proceedings.
3. Persons who are receiving support as paupers or have received such support in the year last preceding the election.
4. Persons who by a judicial decree have been deprived of the full enjoyment of

their civil rights, until such time as they are reinstated in those rights. If they have been deprived of the full enjoyment of their civil rights in consequence of political misdemeanors or crimes, they shall be reinstated in their right to vote as soon as they have been pardoned or served out their time of punishment.

## § 4.

Every North German who has attained the age of twenty-five years, and has been a subject of a state of the Union for at least one year, is eligible within the whole territory of the Union as a deputy, provided he be not deprived of the privilege of voting by the regulations of § 3.

## § 5.

In every state of the Union one deputy shall be elected for about every 100,000 souls, according to the census returns which served as a basis for the elections to the Reichstag which framed the constitution. A surplus of at least 50,000 souls of the total population of a state of the union shall be counted as equal to 100,000 souls. In that state of the union whose population is less than 100,000 souls one deputy shall be elected. Hence it follows that the number of deputies is 297, and that Prussia is entitled to 235, Saxony to 23, Hesse 3, Mecklenburg-Schwerin 6, Saxe-Weimar 3, Mecklenburg-Strelitz 1, Oldenburg 3, Brunswick 3, Saxe-Meiningen 2, Saxe-Altenburg 1, Saxe-Coburg-Gotha 2, Anhalt 2, Schwarzburg-Rudolstadt 1, Schwarzburg-Sondershausen 1, Waldeck 1, Reuss, elder line 1, Reuss, younger line 1, Schaumburg-Lippe 1, Lippe 1, Lauenburg 1, Lübeck 1, Bremen 1, Hamburg 3. The law shall provide for an increase of the number of deputies in consequence of increased population.

## § 6.

Every deputy shall be elected in a distinct electoral district. Every such district shall be divided into smaller precincts for the purpose of depositing votes. These latter precincts shall, if possible, be identical with the town communities, unless a subdivision becomes necessary with densely populated town communities.

The electoral districts, as well as the electoral precincts, must have their limits well defined and be rounded off as much as feasible.

A law of the Union shall prescribe the limits of the electoral districts. Until then the present electoral districts are to remain, with the exception of those which at present are not locally limited and rounded off as coterminous districts. These must be formed according to the regulation of the third paragraph for the purpose of the next general elections.

## § 7.

Whoever wishes to vote in an electoral district must reside in the same at the time of the election; the same regulation applies to the case where the community is divided into several electoral districts. No one is permitted to vote in more than one place.

## § 8.

In every district lists are to be prepared, in which the persons entitled to vote shall be recorded, with their Christian name, family name, age, occupation, and residence. These lists are to be open for the inspection of every one at least four weeks before the day of election, and a public announcement of this is to be made, and of the time until which protests will be heard. Protests against the lists are to be addressed to the authority which has made the announcement within eight days after the lists have been opened, and are to be settled within the next fourteen days, when the lists are to be closed. Only those whose names are recorded in the lists shall be entitled to take part in the election.

In the case of occasional new elections which may take place within one year after the last general election there shall be no necessity for the exhibition and presentation of the election-list.

## § 9.

The act of the election, as well as the examination of the result thereof, shall be public.

The offices of chairman, assistant, and secretary acting for the purpose of obtaining returns in the electoral districts shall be honorary posts, without remuneration, and can only be filled by persons who are not in the immediate service of the state.

## § 10.

The right to vote shall be exercised by the voter in person, by depositing a covered ballot, without signature, in the urn. The ballots must be of white paper, and must not be marked in any way.

## § 11.

The ballots must be printed or inscribed, outside of the polling-place, with the name of the candidate.

## § 12.

The election shall be direct. It shall take place by absolute majority of all votes deposited in an electoral district. If an absolute majority does not result, an election shall take place among the two candidates who have received the largest number of votes. In cases where candidates have received an equal number of votes, lots shall be drawn.

## § 13.

The presiding officers of the electoral district only shall decide by a majority of their members as to the validity or non-validity of the ballots, their decision being subject to an examination by the Reichstag.

The invalidated ballots are to be transmitted, together with the minutes of the election, for the purpose of examination by the Reichstag. The chairman of the returning board shall keep those ballots found valid under seal until the Reichstag has finally declared the validity of the election.

## § 14.

The general elections shall take place within the whole territory of the Union on a day determined upon by the President of the Union.

## § 15.

The Bundesrath shall regulate the procedure at the election, in so far as it has not been determined by this present law, by one system of election-rules, which are to be valid for the whole territory of the Union. The same can only be modified with the consent of the Reichstag.

## § 16.

The expenses for the printed blanks of the minutes of the election and for the inquiries into the results of the election in the electoral districts shall be borne by the states of the Union; all the other expenses of the election shall be borne by the communities.

## § 17.

Those entitled to vote shall have the privilege to form associations for the purpose of consulting on matters relative to the Reichstag elections, and to call and attend un-armed public meetings in closed localities.

The clauses of the civil laws in relation to the announcements of the meetings and associations and as to the surveillance of the same remain in force.

## § 18.

The present law shall be put in force at the first new election of the Reichstag taking place after its announcement. At the same period all other election-laws as to the Reichstag shall become null and void.

In witness whereof our own signature and the seal of the Union are hereunto affixed.

Done at Castle Babelsberg, May 31, 1869.

Count v. BISMARCK-SCHÖNHAUSEN.

[L. S.]

WILHELM.

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 APPENDIX No. 9.

*Treaty between the North German Union, Bavaria, Württemberg, Baden, and Hesse, relative to the continuation of the Zollverein and Commercial Union. Concluded at Berlin, July 8, 1867.*

His Majesty the King of Prussia in the name of the North German Union, His Majesty the King of Bavaria, His Majesty the King of Württemberg, His Royal Highness the Grand Duke of Baden, and His Royal Highness the Grand Duke of Hesse and by Rhine for the parts of the Grand Duchy not belonging to the North German Union, with the view to securing the continuance of the German Zollverein and Commercial Union, and to extending the provisions thereof suitable to the present requirements, have caused negotiations to be commenced, and appointed as plenipotentiaries, viz:

His Majesty the King of Prussia: his excellency the Privy Councillor Johann Friedrich von Pommer Esche; his excellency the Ministerial Director Alexander Max von Philipsborn; and his excellency the Ministerial Director Martin Friedrich Rudolph Delbrück;

And of the other members of the North German Union :

His Majesty the King of Saxony : his excellency the Privy Fiscal Councillor Julius Hans von Thümmel ;

His Royal Highness the Grand Duke of Hesse and by Rhine : his excellency the Privy Chief Customs Councillor Ludwig Wilhelm Ewald.

The sovereigns participating in the Thuringian Zollverein and Commercial Union besides His Majesty the King of Prussia, viz :

His Royal Highness the Grand Duke of Saxe-Weimer-Eisenach, His Highness the Duke of Saxe-Meiningen, His Highness the Duke of Saxe-Altenburg, His Highness the Duke of Saxe-Coburg-Gotha, His Serenity the Prince of Schwarzburg-Rudolstadt, His Serenity the Prince of Schwarzburg-Sondershausen, His Serenity the Prince of Reuss, elder line, and His Serenity the Prince of Reuss, younger line : the Grand Ducal Saxon Privy Councillor Gustav Thon ;

His Highness the Duke of Braunschweig-Lüneburg : his Minister Resident at the Royal Prussian Court, Privy Councillor Dr. Friedrich August von Liebe ;

His Royal Highness the Grand Duke of Oldenburg : his excellency the Minister Resident of the Duke of Brunswick, Privy Councillor Dr. Friedrich August von Liebe ;

Furthermore, His Majesty the King of Bavaria : his excellency the Ministerial Councillor Wilhelm Weber and his excellency the Chief Customs Councillor George Ludwig Carl Gerbig ;

His Majesty the King of Württemberg : his excellency the Chamberlain, Envoy Extraordinary and Minister Plenipotentiary at the Royal Prussian Court, Privy Councillor of Legation, Friedrich Heinrich Carl Baron von Spitzemberg ; and his excellency the Fiscal Councillor Carl Victor Riecke ;

His Royal Highness the Grand Duke of Baden : his excellency the Minister of the Treasury and President of the Department of State, Carl Mathy ;

His Royal Highness the Grand Duke of Hesse and by Rhine for the parts of the Grand Duchy not belonging to the North German Union : his excellency the Privy Chief Customs Councillor Ludwig Wilhelm Ewald ;

By which Plenipotentiaries the following treaty has been concluded, subject to ratification :

#### ARTICLE I.

The contracting parties maintain until the last day of December, 1877, the union, entered into for the purpose of establishing a joint system of customs and commerce, and based upon the treaty for the continuance of the Zollverein and Commercial Union of 16th May, 1865.

Until that date the Zollverein treaties of the 22d and 30th March, and 11th May, 1833 ; of 12th May and 10th December, 1835 ; of 2d January, 1836 ; of 8th May, 19th October, and 13th November, 1841 ; of 4th April, 1853 ; and of 16th May, 1865, remain in force, together with the separate articles between the contracting parties belonging thereto, in so far as they still remained in force and are not modified by the following articles.

With these restrictions, and subject to the agreement of article 6, the stipulations of the aforesaid treaties are also applied to those states and territories belonging to the North German Union which, as yet, do not participate in the Zollverein and Commercial Union.

#### ARTICLE II.

Those states or territories remain incorporated in the general Zollverein which have joined the customs and commercial systems of the contracting parties, or one of them, with consideration of their particular circumstances, based upon the treaties of adhesion.

#### ARTICLE III.

The following has been agreed upon in regard to the community of legislation and the executive arrangements :

§ 1. Within the territories of the contracting parties there shall be uniform laws on duties of importation and exportation, as well as on transit ; but those modifications shall be admissible which result as necessary from the peculiarity of the general legislation of every participating state, or from local interests, without prejudicing the common object. Especially as regards the revenue-tariff concerning certain articles less adapted for general trade, such deviations from the fixed rates of collection, which appear to be especially desirable for separate states, shall not be out of order when they do not injuriously affect the general interests of the Zollverein.

No duties shall be collected on goods in transit, and the arrangements which have been made as to transit-duties in the treaties named in Article I, shall become void.

§ 2. The joint customs-tariff shall be prepared in two principal sections, according to the thirty-thaler standard, and fifty-two and a half florin standard determined by the monetary treaty of 24th January, 1857.

The hundred-weight (quintal of 50 kilograms) existing as the generally accepted

measure of the country in all states of the Zollverein, except the kingdom of Bavaria, shall constitute the unity for the joint customs measurement. Therefore, all declarations, weighing, and levying of duties on articles taxed by weight shall exclusively be made according to that scale.

§ 3. Corresponding laws on the taxation of the salt and beet-sugar manufactured within the limits of the Zollverein shall govern within the territories of the contracting parties.

The contracting parties have agreed that when the manufacture of sugar or sirup made from other domestic products than beets—for instance, from starch—should become very extensive in the Zollverein, this manufacture also would have to be subjected in all the states thereof to a corresponding taxation according to the principles agreed upon for the taxation of beet-sugar.

§ 4. Tobacco cultivated or manufactured within the limits of the Zollverein shall be subject to a corresponding taxation.

§ 5. Corresponding measures for the protection of the common tariff system against smuggling and against evasion of internal-revenue taxes, shall be instituted in the territories of the contracting parties.

§ 6. The supervision of the duties referred to in sections 1, 3, and 4 hereof, and the organization of the authorities requisite for that purpose, shall be put on an equal footing in all countries of the whole Zollverein, the existing especial conditions being considered.

§ 7. In accordance with the foregoing agreement the contracting parties shall bring into effect—

The customs-law ;

The customs-regulations ;

The customs-tariff ;

The principles regulating the customs penal law, as such have been agreed upon between them ; and furthermore,

The agreement for the collection of a duty on salt, of May 8 of this year ;

The agreement for taxing beet-sugar, of 16th May, 1865 ;

The customs-treaty, of 11th May, 1833.

The general duty on importation mentioned in the common laws and regulations is to be understood as a tariff-rate of 15 groschen or 52½ kreuzers.

#### ARTICLE IV.

No import, export, or transit duties shall be levied on the common frontiers of the contracting parties, and all free-circulating articles may be imported from one territory into the other, with the exception of such domestic products on which no common taxes have been imposed within the territory of the contracting parties, in accordance with article V.

There shall be no intermission in the freedom of commerce and exchange of products between the contracting parties even in the event that on extraordinary occurrences, more particularly on the outbreak of a war, one of them should see fit to prohibit, during the continuance of such occurrences, the exportation into foreign countries of certain products or manufactures having free domestic circulation. In such an event, steps shall be taken that all the contracting parties prohibit exports in a like manner. If, however, one or the other of the contracting parties should not find it to its interest to issue such a prohibitory law, that party or those parties which shall find it necessary to issue such a law, shall have authority to extend said law to the territory of the party not joining.

The contracting parties grant to each other authority to take the necessary defensive measures against dangerous contagious diseases of persons and of cattle. In the relation of one country of the Zollverein to another, however, no arrangements more onerous shall be made than, under the same circumstances, would affect the interior commerce of the state which adopts them.

#### ARTICLE V.

The contracting parties shall endeavor to bring about the medium of treaties corresponding legislation as regards the collecting of revenues on products taxed in the interior, partly at the time of their production or preparation, partly at the time of consumption, not subject to the regulations of sections 3 and 4 of article III. Until the time when this object shall have been obtained, the following principles shall be made use of in regard to the aforesaid taxes and to the trade in such articles among the states of the Zollverein for the prevention of such injuries and losses which might result from diversity of their domestic tax systems, and particularly from the inequality of the tax-rates, as well for the producers as for the revenues of the several states of the Zollverein.

##### I.—Concerning foreign products.

No other duty of any kind, either for account of the state or for account of com-

muners or corporations, shall be levied upon any products upon which more than 15 groschen (52½ kreuzer) import-duties per hundred-weight are imposed, and of which it is proven, according to the manner prescribed in the customs regulations, either that they have undergone the custom-house treatment at a collection office of the Zollverein as foreign importations or transit goods, or are still subject to the same; but, as concerns goods of importation, such inland customs are reserved which in a state of the Zollverein are uniformly imposed upon their further refinement, or upon other manufactures of such products, without distinction of their origin in foreign countries, in separate states, or in the whole territory of the Zollverein.

Among such taxes shall be named, for the present, those on manufactured brandy, beer, and vinegar, and also the tax on flour and butchered cattle, to which, therefore, foreign cereals, malt, and cattle are subject, in the same manner as those of the interior and of foreign countries.

In those states in which the domestic duties on liquors are ordered in such a way that they are collected on storing the latter, or are charged to the parties liable, the regulation of exempting foreign products from internal duties takes place in such a way that the first storage of taxed foreign liquors, *i. e.*, that which immediately follows upon its direct importation from abroad, on its transportation from public or private warehouses, shall be free from all inland duties. This rule shall apply also to cases where the collection of an internal tax on liquors takes place for account of communities and corporations.

Foreign products which are entered free or not taxed more than 15 groschen (52½ kreuzer) are subject to the following conditions, under No. II :

## II.—Concerning products of the several states and of the whole Zollverein.

§ 1. No inland duties shall be collected, either for account of the state or for account of communities or corporations, on articles produced within the Zollverein, which are on transit through a state thereof, to be carried into another state or to foreign countries.

§ 2. It shall be optional with the contracting parties to maintain, to modify, or to remove the domestic duties to which products, at the time of their production, manufacture, or consumption are liable, or to levy new duties of this kind; but such duties shall, for the present, only be levied upon the following productions of the several states and of the whole Zollverein, *viz*: Upon brandy, beer, vinegar, malt, wine, must, cider (fruit-wine), flour and other products of the mill, also pastry, beef, prepared meats, and lard.

For brandy, beer, and wine the following rates shall be regarded as the utmost limits, to which the said products shall be taxed for account of the state within the Zollverein, *viz*:

(a) For brandy containing 50 per cent. of alcohol, according to the Tralles scale, 10 thalers per Ohm of 120 Prussian quarts.

(b) For beer, 1 thaler 15 silbergroschen per Ohm of 120 Prussian quarts.

(c) For wine, *viz*:

(aa) When the duty is collected according to the value of the wine, 1½ thalers per Zollverein-hundredweight (5 thalers per Ohm of 120 quarts, Prussian).

(bb) When the duty is collected without regard to the value of the wine, 25 groschen per Zollverein-hundredweight (2 thalers 23½ groschen per Ohm of 120 Prussian quarts.)

(cc) When the duty is collected according to a classification of the vineyards, no limitation shall be considered necessary.

Certain rates shall also be fixed, as far as necessary, for the other products, subject to a domestic duty, which amount shall not be exceeded in determining the duty.

§ 3. As to all the taxes that are collected in the territory of the states of the Zollverein, according to the requirements of section 2, a mutual uniformity of procedure shall take place, so that the products of another state of the union shall under no consideration be taxed with a higher or more burdensome rate than domestic products (of the taxing State) or the products of other states of the Zollverein. In conformity with this resolution the following was adopted:

(a) States of the Zollverein which do not collect internal revenue from their own domestic products shall also not tax the same products imported from other states of the union.

(b) Where internal revenues are collected according to the value of the merchandise, not only the very same rates of customs shall be indiscriminately used as well on domestic products as on products imported from other states of the Zollverein, but also the domestic product shall not be more favored in estimating its value than that from other states of the Zollverein.

(c) Those states in which internal revenue is collected from an article of consumption at the time of its purchase or sale or consumption shall, in an equal manner, demand these duties on productions of the same kind coming from other states of the Zollverein.



(d) Those states which have imposed internal revenue taxes on the production or preparation of an article of consumption may also collect the full legal amount on the importation of this article from other states of the union.

(e) The North German Union shall not collect transit duty on wine-must produced in the other states of the Zollverein, nor shall such a duty be collected from those states which may, during the continuance of this treaty, subject the production of wine to a domestic revenue tax.

(f) In so far as there exists an understanding between the several states of the Zollverein as to equal duty regulations, these states shall be regarded as a unit as respects the privilege to collect the respective taxes indiscriminately from products imported from other states of the Zollverein.

§ 4. Those states which have imposed an internal tax upon the purchase or sale, consumption, production, or preparation of any article may, when said article is exported to other states of the Zollverein, leave this tax uncollected, or refund the legal amount of the same, either in whole or in part. With regard to the exercise of this privilege the following has been agreed upon:

(a) A reimbursement shall take place only in case a drawback is granted in the state in question, and not exceeding the amount of such drawback.

(b) The different governments will take especial care that in no case more than the amount of tax really paid be returned, and that this return do not partake of the nature and effect of an export-bounty.

(c) Exemption from the obligation to pay taxes shall not take place and the taxes shall not be refunded until it shall have been shown that the taxed productions in the neighboring state of the Zollverein, or in the country of destination, have entered in the manner agreed upon among the different states.

(d) Exemption from the payment of the internal tax on brandy used for the making of vinegar shall not be granted, and, excepting in case of the exportation of the vinegar to a foreign country, this tax shall not be refunded.

§ 5. It has been specially agreed what amounts, suited to the present state of legislation in the states of the Zollverein, may be collected and refunded according to the provisions of sections 3 and 4 of this article. If alterations shall be subsequently made in the existing rates of taxes on state products, the government concerned shall inform the federal council of the Zollverein (article VIII) and with this information it shall send proof that the amounts which, in consequence of the alterations made or proposed, are to be collected on productions of the countries of the Zollverein, and to be refunded on the exportation of the taxed articles, are according to the principles agreed upon.

When the transit duty on beer is collected according to Zollverein weight, the hundred-weight of 50 kilograms shall remain the standard for its collection.

§ 6. The collection of state taxes on the productions of the countries of the Zollverein which are subject to them shall take place in the state of their destination, unless this is done, by special arrangement, either at places of collection on the frontier or in the state whence they are sent for the account of the state entitled to the tax. The ordinances necessary to secure the collection of the taxes, in so far as they relate to the routes to be followed in sending goods from one state of the Zollverein to another, shall be prepared in such a manner as to obstruct trade as little as possible, and only by mutual agreement, and if the territory of a third state is to be crossed, it shall be done only with the consent of that state.

Where state taxes are levied *ad valorem*, attention will be paid (in view of the products sent over from other states of the Zollverein) to arrangements for inspection, according to which the value shall be settled first in the place of destination, thereby avoiding time-consuming examinations on the frontiers or on the way between the place whence the goods are sent and that to which they are sent, such examinations being annoying to trade.

§ 7. The collection of taxes for the account of communes or corporations, either by additions to the state taxes or independently, shall only be allowed on articles intended for local consumption, and the general principle expressed in section 3 of this article in reference to uniformity of treatment of the productions of other states of the Zollverein shall be enforced, as in the case of state taxes.

The following articles are, in general, to be considered as intended for local consumption, on which, according to this section, the collection of a tax shall be allowed for the account of communes or corporations alone: beer, vinegar, malt, cider, and products subject to the grinding and slaughter tax; also fuel, provisions, and forage.

On wine the levy of a tax of the aforesaid kind shall only be admissible in those parts of the Zollverein which belong to the wine-producing counties, properly so called.

Where, in any particular place in the states belonging to the Zollverein, the collection of a tax on brandy for the account of communes or corporations now takes place, or, according to present legislation, cannot be refused, such a state of things will be allowed to exist as an exception.

The taxes on wine and brandy, however, which are levied for the account of communes or corporations, likewise that on beer, shall be subject to the limitation that

the tax on brandy, taken together with the state tax, shall not exceed the maximum rate of 10 thalers per Ohm, which is fixed in section 2 of this article, and that on wine and beer shall not exceed the rate of 20 per cent. of the maximum rates therein fixed for state taxes. Exceptions to this shall only be admissible in case individual communes or corporations already impose a higher tax, in which case such tax may be continued.

If taxes should be anywhere levied on other than the aforementioned articles, the collection of such taxes may be temporarily continued, but the governments of the countries in which such places are situated will endeavor to abolish such taxes at the first opportunity. With regard to the success of efforts made in this direction, reports shall, from time to time, be made to the federal council of the Zollverein.

Taxes for the account of communes or corporations may, when the taxed articles are sent to other states of the Zollverein, be refunded either in whole or in part, as the state taxes are, provided such reimbursement takes place on the occasion of the transit of the taxed articles to other places in the same country.

§ 8. The governments of the several states shall make a full report to the federal council of the Zollverein :

(a) Concerning all alterations hereafter to be made of their laws and ordinances with regard to the state taxes mentioned in section 2 of this article.

(b) And with regard to the communal taxes, etc., concerning the alterations made respecting those who are authorized to collect them, the places, articles, amount, and the manner of collection.

#### ARTICLE VI.

The provisions of articles III, IV, and V, and those of articles X to XX, and XXII, are for the present not applicable :

1. To the following-named states and portions of the North German Union :

(a) In Prussia, to the villages of Drenikow, Porep, and Sakow, the colony and the hereditary farm-land of Grosz-Menow, the manors and villages of Zettmin and Peenwerder, Duckow, Rottmannshagen, Rützenfelde, Karlsruh, and Pinnow, the sea-port town of Geestemünde, Fort Wilhelm in Bremerhaven, the islands (in the Elbe) of Altenwerder, Krusenbusch, Finkenwerder, Finkenwerderblumensand, Kattwiewick, Hohenschaar, Overhacken, Neuohof, and Wilhelmsburg, the bailiwick of Kirchwerder and the village of Aumund.

(b) To the Grand Duchies of Mecklenburg-Schwerin and Mecklenburg-Strelitz, the former with the exception of Rossow, Netzeband and Schönberg, which are surrounded by Prussia.

(c) In Oldenburg, to the sea-port town of Brake.

(d) To the Duchy of Lauenburg.

(e) To the Hanseatic towns of Lübeck, Bremen, and Hamburg, together with a suitable portion of the surrounding country.

2. To the following-named portions of Baden : The island of Reichenau, the town of Büsingen, the Bittenharther-Hof, the towns of Jestetten and Flachshof, Gunzenrieder-Hof and Rutehof, Lottstetten and Balm, Dietersberg, Nack, Locherhof, and Volkenbach, Dettighofen and Häuserhof, Altenburg, Baltersweil, Berwangen, and Albführenhof, near Weisweil.

As soon as the reasons shall no longer exist, which prevent the enforcement of this treaty in any of the states and portions of territory mentioned under the foregoing No. 1, the President of the North German Union shall notify the governments of the contracting other parties. The federal council of the Zollverein shall then fix the date when the provisions of articles III to V and X to XX shall take effect in that state or portion of territory.

#### ARTICLE VII.

The laws concerning the matters specified in article III, as well as the measures required in the excepted localities (article VI) for the security of the customs frontier, shall be executed by the federal council of the Zollverein as the common organ of the governments and by the customs-parliament (Zollparlament) as the common representative of the population. Uniformity of the resolutions of the majority of both bodies shall be required for a law of the Zollverein ; their competency shall not extend to other than the matters above referred to.

The promulgation of the laws of the Zollverein in the territories of the contracting parties shall take place according to the usages which are there customary.

#### ARTICLE VIII.

The following agreement is made as to the organization and competency of the federal council of the Zollverein :

§ 1. The council shall consist of the representatives of the members of the North German Union and of the South German states.

In the council—

	Votes.		Votes.
Prussia has.....	17	Anhalt .....	1
Bavaria .....	6	Schwarzburg-Rudolstadt.....	1
Saxony .....	4	Schwarzburg-Sondershausen .....	1
Württemberg .....	4	Waldeck .....	1
Baden .....	3	Reuss older line.....	1
Hesse .....	3	Reuss younger line.....	1
Mecklenburg-Schwerin.....	2	Schaumburg-Lippe .....	1
Saxe-Weimar .....	1	Lippe .....	1
Mecklenburg-Strelitz.....	1	Lübeck .....	1
Oldenburg .....	1	Bremen .....	1
Brunswick .....	2	Hamburg .....	1
Saxe-Meiningen.....	1		
Saxe-Altenburg.....	1	Total.....	58
Saxe-Coburg-Gotha.....	1		

§ 2. Each state of the Zollverein may nominate for the council thereof as many plenipotentiaries as it has votes; the total number of votes, however, to which a state is entitled can only be cast as a unit. Votes which are not represented or are not according to instructions, shall not be counted.

§ 3. The council shall appoint from among its members permanent committees :

1. On duty and taxes.
2. On trade and commerce.
3. On accounts.

In each one of these committees at least four states of the Zollverein shall be represented besides the chairman, and each state represented therein shall be entitled to only one vote. The members of the committees shall be elected by the council. The composition of these committees shall be renewed for each session of the council, *i. e.*, each year; the outgoing members being again eligible. Such officials as may be required for the performance of the necessary work shall be placed at the disposal of the committees.

§ 4. Each member of the council shall have the right to appear in the customs-parliament, and upon his request he shall be heard there for the purpose of representing the views of his government, even if they have not been adopted by the majority of the council. No person shall, at the same time, be a member of the council and of the customs-parliament.

§ 5. It shall be the duty of the president to afford to the members of the council the customary diplomatic protection.

§ 6. The presidency shall belong to the Crown of Prussia, which, in the execution of the same, shall have the right to agree, in the name of the contracting parties, to treaties of commerce and navigation.

For the conclusion of these treaties, by which the stipulations of the existing treaty shall in no manner be infringed upon, the consent of the council shall be necessary, and for their validity the approval of the customs-parliament.

§ 7. The presidency shall have the right to convoke, to open, to adjourn, and to close the council.

§ 8. The convocation of the council takes place annually. The customs-parliament shall not be convened without the council.

§ 9. The convocation of the council must take place as soon as it shall be demanded by one-third of the number of votes.

§ 10. The right to preside in the council and to conduct its business shall belong to the representative of Prussia designated for that purpose. He shall have the right to be represented in the management of its affairs by any other member of the council by means of substitution in writing.

§ 11. The presidency shall lay, in accordance with the resolutions of the council, the necessary bills before the customs-parliament, where they are supported by members of the council or by commissioners especially appointed by the latter.

§ 12. There shall be submitted to the council for its action :

1. The lawful regulations under the provisions of article VII, which are to be laid before the customs-parliament or have been adopted by the same, inclusive of the treaties of commerce and navigation.

2. The administrative directions and arrangements necessary for the execution of the mutual legislation. (Article VII.)

3. Defects which may present themselves in the execution of the mutual legislation. (Article VII.)

4. The final adjustment of the proceeds of the duties laid before it by the committee on accounts and of the taxes designated in article III, sections 3 and 4.

Each proposition made by one of the states of the Zollverein respecting the subjects n 1 to 3, and by a controlling official respecting those in 3 (article XX), shall be sub-

ject to joint action. In case of a difference of opinion, the vote of the president decides on subjects mentioned in 1 and 2, when it is in favor of the maintenance of the existing regulations and arrangements; in all other cases the majority of votes shall decide, and in case of a tie the vote of the president.

## ARTICLE IX.

On the subject of the organization and power of the customs-parliament, the following was agreed to:

§ 1. The customs-parliament (Zollparlament) shall be composed of the members of the Parliament of the North German Union and the delegates from the South German states, who shall be elected by universal suffrage, direct vote and secret ballot, in accordance with the law under which the elections for the first Parliament of the North German Union took place.

The right to determine citizenship shall be reserved to the legislature of the South German states, by which the eligibility of deputies to the customs-parliament is regulated.

§ 2. Officials require no leave of absence to become members of the customs-parliament.

In case a member of the customs-parliament accepts in one of the states of the Zollverein a salaried government office, or enters upon the duties of an office in the service of the government, he shall lose his seat and vote in the customs-parliament, and he can recover his seat therein only by a new election.

§ 3. The proceedings of the customs-parliament shall be public.

Truthful reports of the proceedings of the public sessions of the customs-parliament shall not be subject to any responsibility.

§ 4. The customs-parliament shall have the right, within the limits of the subjects designated in article VII, to propose laws and to refer petitions addressed to it to the federal council of the Zollverein, *i. e.*, to its president.

§ 5. The convocation, opening, adjournment, and closing of the customs-parliament shall take place through the president. The convocation does not occur at regular periods, but only when legislative necessity renders it expedient, or when it is requested by one-third of the votes of the federal council.

§ 6. The deputies from the South German States shall be elected for three years. After the expiration of that time new elections shall be held. The first elections shall take place as soon as the present treaty shall have been carried into execution.

§ 7. For the dissolution of the customs-parliament, a resolution to that effect of the federal council shall be requisite and the assent of the president. In case of dissolution, the voters shall be assembled within a period of sixty days thereafter, and the customs-parliament within ninety days after dissolution.

The dissolution of the North German Parliament shall not render new elections in the South German states necessary.

§ 8. Without the consent of the customs-parliament, its adjournment shall not exceed a period of sixty days, and shall not be repeated during the same session.

§ 9. The customs-parliament shall examine the legitimacy of the election of its members and decide thereon, provided this has not already been done previous to its assembling in cases of members belonging to the North German Parliament. It shall regulate independently the mode of transacting business and matters of discipline by its own rules, and also elect independently a president, vice-president, and clerk.

§ 10. The customs-parliament shall decide by an absolute majority of votes. To make a resolution valid, the presence of a majority of the lawful number of members shall be deemed necessary.

§ 11. The members of the customs-parliament shall be the representatives of the whole people, and they shall not be bound by commissions and instructions.

§ 12. No member of the customs-parliament shall at any time be prosecuted on account of his vote or utterances made in the execution of his functions or otherwise called to account outside of the assembly.

§ 13. Without the consent of the customs-parliament no member thereof shall, during the period of its session, be subjected to an examination for a punishable offense, or be imprisoned, except when apprehended in the act or on the day next following. A similar consent shall be necessary in the case of arrest for debt.

At the request of the customs-parliament all judicial proceedings against a member shall be suspended during the period of its session, as well as every arrest for the purpose of investigation.

§ 14. The members of the customs-parliament shall not be allowed to draw any salary or be compensated as such.

## ARTICLE X.

The proceeds of the duties on imports and exports, of the tax on salt and beet-root sugar, in those districts of the contracting parties which are subject to joint legislation, (article III), including those states or districts mentioned in article II, are in common.

This mutual participation shall extend to the proceeds of the tax on tobacco, as soon as the provisions of section 4 of article III shall have been carried into execution.

The following shall be excluded from the mutual participation and shall remain reserved for the use of the individual state governments, if special treaties between different states do not provide otherwise:

1. The taxes which are collected in the interior of each state on domestic productions, inclusive of the duties exacted according to article V on productions of the states of the Zollverein of the same kind.

2. Water-tolls.

3. Taxes on public highways, tolls on pavements, dams, bridges, ferries, canals, locks, harbor-dues, as well as charges for weighing and warehousing, or similar exactions of whatever kind.

4. Fines for violations of the laws relating to tolls and taxes, and confiscations, which, excepting the shares of the informers, are left to each state government in its territory.

#### ARTICLE XI.

The proceeds of the taxes received in common shall be divided among the contracting parties, including the states and districts mentioned in article II, in proportion to the population of the districts which are subject to joint legislation. (Article III.)

These proceeds consist of the entire revenue receipts, after deducting—

1. Reimbursements and reductions of taxes based upon the laws or general regulations.

2. Reimbursements for illegal exactions.

3. Costs of collecting taxes and of superintendence, viz :

(a) The expenses in the import and export duties which the protection and collection of the duties on the borders adjoining foreign countries and within the border districts render indispensable. (Article 30 of the treaties of the 22d and 30th of March and 11th of May, 1833, as well as of the 12th of May, 1835; article 18 of the treaties of the 10th of December, 1835, and 2d of January, 1836; article 29 of the treaty of 19th of October, 1841; article 30 of the treaties of the 4th of April, 1853, and 16th of May, 1865; and article XVI of the treaty of this date.)

(b) The expenses in connection with the tax on salt caused by the payment of salary to the officials in the salt mines charged with the collection and control of that tax. (Article 3 of the agreement of the 8th of May, 1867.)

(c) Reimbursements in connection with the tax on beet-root sugar, which are to be granted to the individual states of the Zollverein according to the existing treaties for the expenses incurred in the supervision of this tax. (Article 2 of the agreement of the 16th of May, 1865.)

A census of the districts of the contracting parties shall be taken every three years, and the returns thereof laid before the federal council.

#### ARTICLE XII.

The silver coins of the states of the Zollverein corresponding to the monetary convention of the 24th of January, 1857 (with the exception of small money), shall be receivable at all tax-offices of the Zollverein; four thalers being equal to seven florins as fixed by said convention. Respecting the acceptance of gold coins at the tax-offices, the provisions of the monetary convention relating to the acceptance of these coins shall remain in force.

#### ARTICLE XIII.

Privileges to trades-people in the collection of duties, when such privileges not in accordance with the laws on the subject, must be borne by that government which grants them. As to the limits within which such concessions are to be granted, the existing agreements shall be applicable.

Privileges in respect of duties on machinery and parts of machinery shall likewise not be granted on private account.

#### ARTICLE XIV.

In accordance with the object of the Zollverein to advance and facilitate commercial intercourse, special privileges in respect to duties derived from certain fairs, especially drawbacks, shall not be extended where at present they still exist in the several states; but they shall be limited, as far as possible, under proper consideration of the industries of the places where fairs are held which have hitherto been favored, as well as their commercial relations with foreign countries, and said privileges shall, as soon as practicable, be entirely suspended, and new ones shall under no circumstances be granted without general assent.

#### ARTICLE XV.

Articles imported for the use of the courts of the high sovereigns and their royal families, or for the use of the ambassadors, envoys, and *chargés d'affaires*, &c., accredited

to their courts, shall not be exempted from the exaction of duties as fixed by the schedule of the tariff, and if drawbacks have been given therefor they shall not be charged to the common account. Neither shall reimbursements be taken into account which are to be paid in one or the other state to former states of the empire, or to communes or private individuals, on account of discontinued rights to exact duties, or suspended privileges. On the contrary, each state shall have the privilege to allow certain articles to be imported and exported on free permits without the exaction of duties. Such articles, however, shall be treated in conformity with the customs laws, and entered in special registers, which are to be kept like the ordinary registers, and the duties which would have been exacted thereon shall be charged in the next adjustment of the revenues to the state by which the free permits were issued.

## ARTICLE XVI.

With reference to the expenses of the collection and administration of the duties on imports and exports, the following principles shall be observed:

1. No mutual participation therein shall be allowed, in the absence of other special agreement. On the contrary, each government shall assume all expenses of collection and administration which may occur in its territory, whether they are caused by the establishment and maintenance of chief or branch custom-houses, of custom-houses in the interior, salt-mine tax-offices and warehouses, and the directions of the customs, or by the maintenance of the officials employed in the customs service, and the pensions to be paid to the latter, or finally by any other wants arising out of the administration of the customs.

2. With reference, however, to that part of the expenses required on the borders adjoining foreign countries or within the border districts belonging to the same, for the authorities charged with the collection, supervision, and control of the customs duties and the custom house guards, an agreement shall be made respecting the aggregate sums which shall be deducted, in accordance with the provisions of article XI, from the annual gross receipts derived from duties and charged in common.

3. In determining the necessary expenses in states where the collection of special taxes is connected with the collection of duties, only that portion of the salaries and official outlays of the revenue officers shall be taken into account which is equal to the ratio of their duties performed in connection with the revenues to those of their office in general.

4. The subject of equalizing, as nearly as possible, the salaries of the officials employed in the revenue and inspectors' offices, as well as those employed in the offices of the directors of revenues, shall also be taken into consideration.

It shall be obligatory on the states of the Zollverein to be responsible for the faithful performance of the duties of the officials and employés appointed by them, and for the safety of the funds and the conveyance of moneys, that any deficiencies in the revenues caused by the dishonesty of officials or the embezzlement of moneys already paid in, shall, in the division of the revenues, be charged to, and borne by, that government by which the official was appointed or by which the funds were collected.

In consideration of the fact that the expenses of maintaining the custom-houses in the interior of a state, or the supervision of salt-mines, are borne by each state of the Zollverein, it shall be optional with each of them to establish such number of offices within their territory as they may deem proper, so that, with reference to their competency and appointment of officials, no other restrictions shall take place than those which are allowed by the customs regulations of the Zollverein and the existing instructions and agreements.

The entire official correspondence on the subject of revenue matters between the authorities and officials of the states of the Zollverein, within the limits thereof, shall be conveyed free of postage in all mails, and, to secure such free postage, the correspondence shall contain on the outside envelope or wrapper the words, "On the customs service."

## ARTICLE XVII.

The quarterly extracts to be produced at the expiration of each quarter by the revenue authorities, and the settlements to be made at the end of each year, and the closing of the books respecting the revenues received during the quarter or the fiscal year from the common taxes, shall, after examination, be consolidated in a principal report by the supervising authorities, in which every item of revenue shall be accounted for separately, and these reports shall be transmitted to the committee on accounts. (Article VIII, § 3.) In addition, said committee shall receive, on or before the last day of March, a general statement of the revenues received from the tax on beet-root sugar, and of the expenses to be charged for the supervision of this tax, embracing the period of four months, ending on the last day of December of the preceding year, and, on or before the 10th day of November, a statement embracing the period of eight months ending on the last day of August.

Upon the basis of these general statements the committee on accounts shall prepare

between the contracting parties a temporary settlement of the revenues and the tax on salt every three months, and of the tax on beet-root sugar in the months of April and November of each year, which shall be sent to the central finance offices of the contracting parties, and arrangements shall at the same time be made to cover any deficit of the one or the other party in its revenue receipts by reimbursement on the part of those parties who have received a surplus in the revenue receipts. Reimbursements, which are to be rendered upon the basis of the settlement of the tax on beet-root sugar for the four months commencing on the first of September and ending on the last of December, shall be due on the 1st of September of the following year.

In order that those of the contracting parties who may have occasion to be reimbursed from the treasuries of other governments for the purpose of covering their deficits in the revenue receipts may receive each time their dues as soon as possible, a plan of division shall, at the same time with every quarterly settlement, be laid down by the committee on accounts, in which the amounts shall be set aside in round sums which some of the contracting parties are to receive for the purpose indicated from the treasury of another party, and the treasury designated by which the reimbursement is to be made. According to this plan of division, which is to be transmitted with each settlement to the central finance offices, action shall be taken and the necessary orders for its execution shall be given, if no important objections to it exist, in which case they shall be communicated to the federal council without delay. The reimbursement shall not be held back on account of claims which have no connection with the settlement of the revenue receipts.

On the occasion of the transmission of the above-named plan of division, the committee shall state what proceedings were observed in its preparation according to the wishes of the contracting parties, expressed in advance, and to what extent their express approval of any proposition can be definitely accepted.

The committee shall submit the annual statement of accounts, with their remarks, to the federal council for final decision.

#### ARTICLE XVIII.

The right of pardon and the right of commutation of sentence shall be reserved to every state of the union within its territory. The periodical reports of the pardons granted shall be communicated to the federal council of the Zollverein.

#### ARTICLE XIX.

The collection and administration of common taxes (article X) is left to each state of the Zollverein within its territory, in the same manner as it has exercised the right heretofore. Therefore, the officers and employés shall also hereafter be appointed by the local governments, in each of those states, for the collection and supervision of customs of local and district places which, according to special stipulations and uniform provisions, shall be designated, occupied, and instructed. In each of these states of the Zollverein, with the exception of the Thuringian territory, the discharge of the duties of the local and district authorities, as well as the execution of the common tax laws in general, is transferred to one or, if necessary, to several boards of customs, which are subordinate to the administration of the respective states.

The organization of the boards of customs and the regulation of their business transactions is left to the separate state authorities; but their sphere of operation can only be limited by an instruction of the federal council of the Zollverein; unless otherwise stipulated by the present convention or in the common customs laws.

In the Thuringian united territory the common inspector-general, in connection with the federal council and with the customs authorities of the other states of the Zollverein, performs the functions of a board of customs.

#### ARTICLE XX.

The president shall be charged with the observance of legal forms in the collection and administration of the common taxes. To this end, after hearing the committee for customs and taxes of the federal council (article VIII, § 3), the presidency shall appoint the principal board of customs on the frontiers as well as in the interior (principal tax offices with warehouses), and also the directing board of officers of the Zollverein.

The comptrollers who are attached to the principal offices shall take notice of all the transactions of the principal and the secondary offices in regard to the custody of the frontier and the procedure for the collection of duties and taxes, and see that lawful proceedings are observed and also the correction of whatever defects may occur, but for the rest shall desist from any other controlling action. Their official functions and their authority shall be regulated by an instruction. The authorized inspectors attached to the board of direction shall procure full information in regard to all the management of affairs which relate to the present convention of the Zollverein. Their business relation shall be more precisely defined in a separate instruction, based upon unlimited truthfulness on the part of the managers, in relation to all the

matters of the corporation and the facilitation of all means by which reports on the subject can be obtained; while, on the other hand, their attention should be called in all candor to dispose of in a suitable manner all occurring delays and differences in opinions.

The ministers or the high functionaries of the states of the Zollverein shall, moreover, communicate, upon demand, to the federal council all desired information in regard to mutual transactions.

The salaries and all other expenditures of the comptrollers of the Zollverein and of the authorized agents are defrayed by the union.

#### ARTICLE XXI.

The contracting parties shall only issue patents for inventions and for privileges in accordance with the established principles of the agreement of September 21, 1842. Should one of them desire, during the period of the present convention, to recede from this obligation, it shall then announce its withdrawal to the other contracting parties three months beforehand. This withdrawal, however, shall not extend to the provision under No. III of the said agreement, or to the obligation to treat the subjects of the other contracting parties in regard to the granting of patents, as also in regard to the protection of established rights, in the same manner as their own subjects.

#### ARTICLE XXII.

Turnpike-tolls, or other taxes existing in their stead, as well as moneys for paving, dike-taxes, bridge-toll, and ferriage, or under whatever name such taxes may exist, whether the collection be for the account of the state or of a private individual entitled to such taxes, and especially when it is made for a commune, shall be retained or newly introduced on turnpikes, as well as on unpaved roads, which form a direct means of communication between the coterminous states of the Zollverein, and where more extensive commerce and traveling take place, only in such an amount as is sufficient for the usual expenses of repair and maintenance.

The turnpike-tolls as specified in the Prussian tariff of turnpike-tolls of the year 1828, shall be considered as the highest rate, and in future shall not be exceeded in the territories of the contracting parties; with the sole exception of turnpike-toll on such turnpikes as may be built by corporations or by private individuals or stock companies, and when the turnpikes are branch roads or are only used for the local traffic and connection of separate districts and neighboring places with larger cities or with the main commercial roads.

By the stipulated obligations entered upon in regard to the rate of turnpike-tolls, Oldenburg is bound not to increase the present turnpike-toll rates.

The special collection of gate-money and money for paving, shall, on turnpikes where these still exist, be abolished, according to the aforesaid regulation; the paving of the districts shall be thus included in the whole extent of the turnpike, so that only the turnpike-tolls shall be collected, according to the common tariff.

#### ARTICLE XXIII.

Waterage and also river navigation dues, including those which are levied upon vessels (receipt dues) shall also in future, on such rivers where the stipulations of the Vienna congress or of special state conventions are also applicable, be paid by the navigation, according to those provisions; provided no special arrangement is or shall be agreed upon.

Upon other rivers, to which neither the acts of the Vienna congress nor of the state conventions are applicable, the waterage and river dues are collected according to the special regulations of the respective governments. These dues, however, shall not exceed the amount of  $\frac{1}{2}$  groschen per Zollverein-hundredweight or 1 kreutzer, per Bavarian hundredweight per mile. On all these rivers each state of the Zollverein shall treat the merchandises and vessels belonging to persons of other states thereof, and particularly those of inland navigation, on an equal footing with its own.

#### ARTICLE XXIV.

Staple rights and sale rights in the territories of the contracting parties shall also in future be inadmissible.

No person shall be compelled to load or unload, except in cases where the general customs laws or the ship's regulations admit or prescribe the same.

#### ARTICLE XXV.

Canal, sluice, bridge, ferry, harbor, weighing, elevator, and warehouse duties and expenses for the operation of contrivances, which are designed to facilitate traffic, shall only be collected in compliance with the existing regulations thereon, and, with exception of the duties collected from navigators of artificial water-channels



which are not the property of the State, shall not exceed what is necessary for maintenance and the usual repairs. All these dues shall be collected by the officials in all the states of the Zollverein in an impartial manner, regardless of the future consumption of the goods. Should it become necessary to resort to weighing, in order to determine the customs, or, in general, a customs regulation, no exaction of fees shall be made therefor.

## ARTICLE XXVI.

The contracting parties shall co-operate, by adopting uniform laws, with the view of promoting industry by granting the privilege to subjects of one state to obtain work and carry on business in another state.

There shall be no other tax imposed upon subjects of the states of the Zollverein who carry on business or industry or who seek work in the territory of another state, than one equal to that to which its own citizens in a similar occupation are subjected. Also, all merchants, manufacturers, and other tradesmen, who can prove that they have paid for carrying on their business the lawful taxes to the state of the Zollverein where they reside, when making purchases, either in person or through their employed travelers, or soliciting orders by samples carried with them, shall not be obliged to pay any further taxes in the other states of the union. Also, the subjects of one state of the Zollverein, in visiting the markets and fairs of another state thereof for commercial purposes and for the sale of their own products and manufactures, shall be treated in those states in the same manner as their own subjects.

## ARTICLE XXVII.

The contracting parties shall co-operate for the purpose of effecting for the progress of reciprocal commerce and industry a uniformity in the system of measures, and, as far as may be necessary, in the system of weights of their territories.

## ARTICLE XXVIII.

The sea-ports of the states of the North German Union shall be opened to the commerce of the other contracting parties on payment of the same dues as those levied upon their own citizens. The consuls of the one or the other of the contracting parties who are stationed at foreign sea-ports and at other commercial places shall also be requested to use their good offices in such cases in behalf of the subjects of the other states of the Zollverein.

## ARTICLE XXIX.

The present convention shall take effect on the 1st of January, 1868. In case, on the 1st of January, 1876, no notice of revocation on either part shall be given, by the contracting parties, the treaty shall be considered as extended for twelve years longer, and so on every twelve years. It shall at once be submitted to the contracting parties for ratification; and the exchange of the ratifications shall take place at Berlin not later than the 31st of October of the current year.

Done at Berlin, July 8, 1867.

V. POMMER ESCHÉ.	[L. S.]
V. PHILIPSBORN.	[L. S.]
DELBRUCK.	[L. S.]
WEBER.	[L. S.]
GERBIG.	[L. S.]
V. THÜMMEL.	[L. S.]
V. SPITZEMBERG.	[L. S.]
RIECKE.	[L. S.]
MATHY.	[L. S.]
EWALD.	[L. S.]
THON.	[L. S.]
V. LIEBE.	[L. S.]

The ratifications of the above treaty have been exchanged at Berlin.

## FINAL PROTOCOL TO THE CUSTOMS-UNION TREATY.

(Negotiated at Berlin July 8, 1867.)

The undersigned have met this day in order to sign, after another joint reading, the treaty entered into with the high authority of their sovereigns relative to the continuation of the customs and commercial union, on which occasion the following additional declarations, resolutions, and explanatory remarks, prior to closing the negotiation, were adopted in a final protocol to that end.

1.—*To article I of the treaty.*

1. The agreement which is made in article I of the treaty in reference to the efficacy of the treaties mentioned therein, shall be also applicable to those particular stipulations and agreements which are included in the requisite protocols of those treaties, as also in general to all the agreements entered into for furthering the internal development of the Zollverein.

2. By the stipulation in this article, in view of the particular situation existing in Schleswig-Holstein, no present action shall be taken with regard to the establishment therein of the proposed customs organization.

2.—*To article III, § 7, of the treaty.*

It has been agreed upon that as an exception to the principle hitherto adhered to in the execution of the requirements of § 43 of the customs-law, pig-iron and old cast iron, made use of by iron-founderies, iron-mills, and rolling-mills whose manufactures are exported to foreign countries, or which are used for the construction of vessels, shall be exempted from duty, under conditions which are more definitely stated in Appendix A.

3.—*To article IV of the treaty.*

It is understood that the stipulation in article IV, which excludes the continuance of the prohibition of the importation of playing-cards, now existing in the several states of the Zollverein, does not impede the privilege of the administration thereof to levy a stamp-duty on imported playing-cards coming from within the state or from other states, or coming from abroad into the Zollverein. The latter shall not impose a higher tax upon foreign playing-cards than on those manufactured in the country where the duty is collected. Playing cards which are shipped from one state of the Zollverein to another, in which a stamp-duty is collected, whether they remain there or are merely *in transitu*, shall be subject to the requirement of a transit receipt.

4.—*To article V, No. II, §§ 2, 3, 4, 5, and 7 of the treaty.*

The stipulations contained in article I of the treaty of the 16th of May, 1865, under No. II, §§ 2, 3, 4, 5, and 7, respecting the tobacco internal revenue, are therefore not cited in the treaty of to-day's date, because they will be disposed of so soon as the appropriate resolutions of article III, § 4, of the treaty of this day's date shall be acted upon. They remain, therefore, until that time in full force.

5.—*To article V, § 5, of the treaty.*

An abstract of the rates which are collected in those states of the Zollverein where internal taxes are imposed upon the production and manufacture of certain products, and which receive a drawback on the re-exportation of such products to other states of the said union, will be found in Appendix B.

6.—*To article VI of the treaty.*

For the states hitherto belonging to the Zollverein, those regulations remain intact which relate at present to facilitating the traffic of remote parts of the country with the main parts of the union.

7.—*To article VIII, § 3, of the treaty.*

The amount placed at the disposal of the committees for salaries of officers shall be divided between the North German Union and the South German states in the proportion which the duties and taxes accruing to the treasury of the former hold to the shares received by the latter from the taxes to be divided equally, according to article X of the treaty.

8.—*To article VIII, § 6, of the treaty.*

Prussia, without detriment to her exceptional power to conclude, on behalf of the Zollverein, treaties of commerce and navigation, shall invite the adjoining states of the union to participate in treaties with Austria and Switzerland, and in the final negotiations. In the event of an agreement not being reached, it shall nevertheless remain intact, according to the provisions of § 6.

9.—*To article VIII, § 12, of the treaty.*

1. The functions which, according to the resolutions, regulations, and agreements cited in the present protocol, of § 1, are transmitted to the general conference, shall pass over to the federal council of the Zollverein.

2. It is agreed upon that the federal council of the Zollverein shall also dispose of all those matters appertaining to its sphere of business which had their origin before the

1st January of the coming year, and which could not have been acted upon, in conformity with the treaty made.

10.—*To article XII of the treaty.*

In order to avoid disadvantages, which, by the renewed stipulations of this date in article XII of this treaty, the reciprocal adoption of silver coin for payments at all the custom-houses might cause, by reason of the existing differences of the coin valuation, it is resolved that,

(a) The payments due to other states of the Zollverein for settlements of general tax receipts, and when they cannot be paid to that state in coin received by the custom-house, or in the coin of the latter having an exact valuation with that of the former, shall be paid only in thalers of the Zollverein (article 8 of the coinage treaty of the 24th January, 1857), or in whole thalers or gulden pieces, but not in fractions thereof.

(b) The fractional parts of thalers received in those states of the Zollverein which reckon in gulden, and on the other hand fractional parts of gulden received in those states which reckon in thalers, when the receiving state cannot dispose of them by due payments resulting from settlements, shall on demand be exchanged at the nearest treasury office of the state of the union whose stamp they bear, for whole thalers or gulden, respectively, and no expense shall accrue to the state making the exchange.

11.—*To article XIII of the treaty.*

The statement annexed under C contains those amounts which shall be allowed as a maximum for drawback on newly-built vessels whose iron parts cannot be specially proven.

12.—*To article XIV of the treaty.*

The articles enumerated in No. 6 *f*, 2 and 3, No. 10 *c*, No. 12 *g*, No. 19 *a* and *b*, No. 21 *a* 1, No. 27 *b*, *c*, *d*, and *e*, No. 31 *c*, No. 35 *b* and *c*, No. 38 *b*, *c*, and *d*, and No. 40 *b* and *c*, of the second part of the tariff of the Zollverein, which was in force until the 1st July, 1869, shall in future be exempt from the payment of duty, notwithstanding the fact that they are now taxed with lower rates according to the tariff of customs existing at present, than the minimum rates established in § 3 of the regulations of December 4, 1833, governing the Leipzig fair, and similar rules governing the fairs of other places.

13.—*To article XVI of the treaty.*

In respect to the particularly unfavorable proportion which exists between the length of the taxable frontier of the duchy of Oldenburg on the one hand and its area and population on the other, Oldenburg shall in future be exceptionally allowed an addition to its aggregate sum, the amount not exceeding 4,500 thalers.

14.—*To article XXVIII of the treaty of April 4, 1853.*

In conformity with the resolution in No. 13 of the final protocol of May 16, 1865, a special board of direction shall be established in Oldenburg.

15.—*To article XX of the treaty.*

1. Prussia, in exercise of the power incumbent upon her according to article XX of the treaty of this day, shall admit also officers from the other states of the Zollverein, in conformity with the wishes of the respective authorities.

2. As a foundation for the instruction cited in this article, which shall determine the sphere of business operation of the agents attached to the board of direction of the states of the Zollverein, it is resolved that such agent shall be entitled to exercise the following functions:

(a) He can be present at all the sessions of the board of direction. Every resolution or directions passed by that body or the presiding officer in regard to the management of the general taxes, by which the subordinate authorities have to be governed, shall be submitted to him when he is present in a draught form for his consideration before it is executed, and cannot be acted upon without his approval thereof.

(b) The agent cannot refuse or delay his approval of the resolutions; he is, however, allowed in granting the same, when he apprehends that the execution of the resolutions will prove disadvantageous to the Zollverein, to note down his dissenting views on the draught and to demand that the board of direction shall at least, in issuing the decree, communicate with its superior department relative to the resolution in question.

(c) If the latter shall fail to procure immediate redress, or the departments and the superior revenue authorities of the respective states shall not, in the mean time, have come to an understanding through correspondence, recourse shall be taken to the federal council of the Zollverein, in order that the difference and any eventual claims of the Zollverein for damages against that government whose authorities have given rise to the same may be decided.

(d) The agent has also the privilege of making inquiries into the frontier service and into the functions of inspectors stationed along the line of the custom-houses, and into the management of the collection of duties and revenues in the territory where he is accredited, in which purpose he may be assisted by officers appointed to this end. The agent is, however, at such inspections, unauthorized to give orders to the revenue officers or to the excisemen, or to issue regulations in regard to the management of business, but shall rather make a motion to the respective board of direction for a speedy removal of the deficiencies discovered by him.

(e) The special agent, as well as every member of the board of direction, has the power to inspect the documents, the books, the accounts, and the register of these officials as also of the revenue and custom-house authorities.

(f) He may examine the accounts on general taxes and make remonstrances against the same, but shall not, however, stop the keeping and receiving thereof, and shall also not prevent the superior official authorities from passing a decision upon the remonstrances made by the keeper of the accounts. Should he find the decision not conducive to the interests of the Zollverein, he shall bring the subject in question to the notice of the federal council.

16.—*To article XXII of the treaty.*

In regard to the treaty on turnpikes in the kingdom of Saxony, and in the countries belonging to the Thüringian union, where miles are equal in length to those of Saxony, it shall remain intact, according to the agreement entered into in the final protocol of the treaties of the 30th of March and the 11th of May, 1833.

17.—*To article XXVI of the treaty.*

It has been also agreed that tradesmen and travelers, as specified in the third paragraph of article XXVI, shall not in future carry with them merchandise for sale, but may themselves convey the goods purchased to the place of destination.

The form which is to be used for certificates of trade-licenses is appended under D.

All the plenipotentiaries mutually give to one another assurance, that, as occurred with previous treaties of the Zollverein, their governments, in ratifying the treaty, will also consider the amendments contained in the present protocol as approved and binding, without any further official ratification of the latter. The sole original treaty shall then be signed and sealed by the plenipotentiaries, and deposited and preserved for the whole Zollverein in the royal Prussian vaults for secret archives; and copies, after being duly certified by the Prussian authorities, shall at once be delivered to the plenipotentiaries and the various governments of the Zollverein.

It finally being shown that the ratification of the treaty for the North German Union had to be made by the President only, and that as had already occurred in preceding similar cases, such a form of ratification could be chosen by which the subject of the latter should be sufficiently designated without a complete insertion of the articles of the treaty, after the present protocol was duly read, one copy thereof was signed, and, together with the original treaty, taken charge of by the royal Prussian plenipotentiaries, on the condition that certified copies should be immediately furnished to the remaining plenipotentiaries, and the original transmitted to the royal secret state archives.

v. POMMER ESCHÉ.	v. SPITZEMBERG.
v. PHILIPSBORN.	RIECKE.
DELBRÜCK.	MATHY.
WEBER.	EWALD.
GERBIG.	THON.
v. THÜMMEL.	v. LIEBE.

APPENDIX No. 9.—CONTINUED.

A.—*Annex to No. 2 of the final protocol.*

1. The privilege is allowed only to manufacturers who have committed no offense as regards observance of the customs laws.
2. The use of a private warehouse for foreign unmanufactured iron of all kinds and old iron shall be allowed to manufacturers, and to this the authorities shall have the right of entrance. Manufacturers to whom such privilege is granted shall furnish a secure and closed place of deposit for the purpose at their own expense. The general

provisions with regard to private warehouses, to which the customs authorities have access, are also applicable to this warehouse.

The iron may also be deposited in a public warehouse.

3. An account shall be kept for each manufacturer, showing the amount of foreign iron imported and warehoused, and the kinds and amount of the goods manufactured therefrom, and exported, deposited in a public warehouse, or used for domestic ship-building.

4. When iron is to be removed from the warehouse to be manufactured for foreign countries or for ship-building, the manufacturer shall give previous notice thereof, in writing, to the proper department of customs or taxes, stating what goods are to be manufactured therefrom.

The amount notified shall be delivered from the warehouse, and the delivery marked on the notice and registered in the account.

5. A copy of the warehouse account shall be furnished when the exportation, the deposit in a public warehouse, or the use for ship-building of the articles manufactured from the iron delivered, has been certified. This shall be done according to the weight of these articles.

6. At the close of each quarter the customs-duty shall be paid; this shall be equal to the difference between the weight of the quantity notified from the warehouse during the last quarter but one, and the weight of the quantity copied from the warehouse account in the course of the last quarter. If the latter quantity is greater than the former, the difference shall be reckoned at the close of the next quarter.

7. Inventories of stock on hand shall be made as the customs authorities may think best, but an inventory of all the stock shall be made at least once a year.

8. Manufacturers must keep their books so that it may be seen without any special difficulty what kind of goods have been manufactured and what material has been used for that purpose. The officers whose duty it is to examine these books shall at all times be permitted to have access to them. It shall also be the duty of manufacturers to show all their books and correspondence, if this is requested by the principal officer, in order to show whose orders they are executing, and whether they are using domestic crude iron or wrought iron, and, if so, to what extent.

9. The customs authorities may also, if they think proper, order supervision to be exercised in other respects, but they shall especially cause the work done by the factories to be carefully inspected. The officers charged with this duty shall be admitted to every part of the factory at all hours of the day or night, so long as work is performed in the factory.

10. The customs authorities may at any time withdraw the privilege. It shall always be withdrawn when a manufacturer has incurred a fine on account of fraud, and it may also be withdrawn when a book-keeper or workman employed in the factory has been punished with a fine for offenses committed by him in the interest of the manufacturer.

11. Manufacturers shall be subjected to a fine (said fine to be fixed by the controlling board), not exceeding 100 thalers, in all cases in which they shall not obey customs-ordinances issued by the proper authorities; this they shall do under penalty of the withdrawal of the privilege in the event of their continued refusal to obey.

## APPENDIX NO. 9.—CONTINUED.

## B.—Annex to No. 5 of the final protocol.

Statement of the rates of taxes which, in those states of the Zollverein wherein internal taxes are levied upon the production or preparation of certain commodities, shall be collected upon similar commodities produced in other states of the Zollverein.

Number.	States of the Zollverein in which the tax is collected.	Basis for the collection.	Rate of taxation in—		Remarks on the refunding of taxes in exportation to other states of the Zollverein or to foreign countries.
			Thalers.	Florins.	
			<i>Thlr. sgr. pf.</i>	<i>Fl. kr.</i>	
1	I.—On leaf-tobacco and manufactured tobacco. Prussia (not including the Hohenzollerns). Also in close union with Prussia (according to the dates of the treaties): (a) In Schwarzburg-Sondershausen: "die Unterherrschaft." (b) In Schwarzburg-Rudolstadt: "die Unterherrschaft." (c) In the Grand-Duchy of Saxony: the districts of Allstedt and Oldisleben. (d) Anhalt. (e) The Principality of Lippe. (f) In Mecklenburg-Schwerin: the towns of Rosow, Netzeband, and Schöneberg. (g) In Saxe-Coburg-Gotha: Volkenrode. (h) In Oldenburg: the Principality of Birkenfeld. (i) Waldeck and Pyrmont. (k) Schaumburg-Lippe. (l) The zone dependent on Bremen.				
2	Saxony.				
3	Thüringian Union. Thereto belong, in addition to the Prussian portions assigned to it: (a) The Grand-Duchy of Saxony, exclusive of the districts of Ostheim and Allstedt, with Oldisleben, but inclusive of the town of Melper, which belongs to the district of Ostheim. (b) The Duchy of Saxe-Meiningen. (c) The Duchy of Saxe-Altenburg. (d) The Duchy of Saxe-Coburg-Gotha, exclusive of the districts of Königsberg and Volkenrode. (e) The sovereign Principality of Schwarzburg-Rudolstadt. (f) The sovereign Principality of Schwarzburg-Sondershausen. (g) The Principality of Reuss—elder line. (h) The Principality of Reuss—younger line.	Cwt (Zollzentner)	0 20 0	1 10	In Hohenzollern a tax <i>in transitu</i> is not collected on tobacco in leaf and manufactured tobacco.
4	Brunswick.				
5	Oldenburg, exclusive of the Principality of Birkenfeld and including the zone dependent on Bremen.				
6	Luxemburg.				

## Statement of the rate of taxes, &amp;c.—Continued.

Number.	States of the Zollverein in the tax is collected.	Basis for the collection.	Rate of taxation in—		Remarks on the refunding of taxes in exportation to other states of the Zollverein or to foreign countries.
			Thalers.	Florins.	
			<i>Thlr. sgr. pf.</i>	<i>Fl. kr.</i>	
	REMARK.—The transit-tax in the above-mentioned states of the Zollverein to be paid on leaf-tobacco and manufactured tobacco is a general one, and is divided. Trade in tobacco is carried on free between these states. II.—On beer.				
1a	Prussia (exclusive of the Hohenzollerns). Also the countries above mentioned with Prussia under I from a to l, and the countries in close union with Prussia.	Cwt.....	7 6	26½	When 6 cwt. and upward are exported 3 sgr. per gross cwt. are refunded.
1b	Principalities of Hohenzollern	Eimer (of Würtemberg) = 2.13915 ohms Prussian: (a) Brown beer .. (b) White beer ..	1 4 3½ 22 10½	2 0 1 20	In exportation the following amounts are refunded per eimer of Würtemberg: (a) brown summer-beer, 1 fl. 30 kr.; (b) brown winter-beer, 1 fl. 12 kr.; and (c) for white beer, 54 kr.
2	Saxony .....	} Cwt .....	7 6	26½	Saxony as at 1a. In the Prussian territories assigned to the Thuringian union, as at 1a. In the Duchy of Coburg, in exportation, 12 kreuzers per eimer are refunded from that part of the State tax which is devoted to communal purposes. Brunswick as at 1a.
3	Thüringian Union, (as at I 3) .....				
4	Brunswick.....				
5	Odenburg, (as at I 5) .....				
6	Luxemburg .....				
	REMARK.—The tax to be paid on beer <i>in transitu</i> in the states above named at 1a, 2 up to 6, is a general one, and is divided. Between these states of the union commerce in beer is free.				
7	Bavaria, to the right of the Rhine, and closely connected with Bavaria: (a) The Grand Ducal Saxon district of Ostheim, exclusive of the town of Melpert. (b) The district of Königseberg, belonging to the Duchy of Saxe-Coburg Gotha.	Eimer, (Bavarian) = 0.497932 ohms Prussian.	17 1½	1 0	The amount refunded on beer exported from the principal countries of Bavaria is 40 kreuzers per Bavarian eimer.
8	Württemberg .....	Eimer (of Würtemberg) = 2.13915 ohms Prussian: (a) Brown beer .. (b) White beer ..	1 21 5½ 1 4 3½	3 0 2 0	The malt-tax collected is determined in every case, for exported beer, according to the quantity of malt used, and the amount of tax to be refunded is fixed in accordance therewith.
9	Baden .....	Ohm (of Baden) = 1.091673 ohms Prussian.	22 3½	1 18	In the exportation of beer produced in the Grand Duchy of Baden, 1 fl. 5 kr. per ohm of Baden are refunded.

Statement of the rate of taxes, &c.—Continued.

Number.	States of the Zollverein in which the tax is collected.	Basis for the collection.	Rate of taxation in—		Remarks on the refunding of taxes in exportation to other states of the Zollverein or to foreign countries.
			Thalers.	Florins.	
10	Hesse.....	Ohm (Grand Duchy of Hesse) = 1.164451 ohms Prussian.	<i>Thlr. sgr. pf.</i> 28 6 <sup>9</sup>	<i>Fl. kr.</i> 1 40	In the exportation of 20 maass and upward 1 fl. 5 kr. is refunded per Grand Ducal Hessian ohms.
	III.—On brandy.				
1a	Prussia (exclusive of the principalities of Hohenzollern). Also the above-mentioned countries and parts of countries at I from a to l, which are closely connected with Prussia.	Ohm (Prussian) with 50 per cent. alcohol according to Tralles.	6 0 0	10 30	In exportation 11 silberpfennigs are refunded on each quart at 50 per cent. alcohol according to Tralles.
	In the former Electorate of Hesse (exclusive of the Kreis of Schmalkalden and the county of Schaumburg) are collected up to July 1.	.....do.....	4 0 0	7 0	Up to July 1, 1868, 8 silberpfennigs per quart at 50 per cent. alcohol according to Tralles.
1b	Principalities of Hohenzollern, so far as they formerly belonged to Hohenzollern-Sigmaringen.	Eimer (of Würtemberg).	1 12 10 <sup>3</sup>	2 30	
2	Saxony.....	} Ohm (Prussia), 50 per cent. alcohol, according to Tralles.	} 6 0 0	} 10 30	As at 1a.
3	Thüringian union (as at I 3)				
4	Brunswick.....				
5	Oldenburg (as at I 5).....				
6	Luxemburg.....				
	REMARK.—The tax to be paid on brandy in transit in the above-mentioned states of the union, &c., at 1a, 2 to 6, is a general one, and is divided. Between these states the trade in brandy is free.				
7	Bavaria, to the right of the Rhine. Also, the portions of country belonging to other states of the union, mentioned under II 7.	Eimer (Bavarian).	1 0 0	1 45	
8	Württemberg.....	Eimer (of Würtemberg), with 50 per cent. alcohol, according to Tralles.	2 8 6 <sup>9</sup>	4 0	
9	Baden.....	Ohm (of Baden): (a) Brandy..... (b) Spirits of wine	1 28 6 <sup>9</sup> 1 21 5 <sup>4</sup>	1 40 3 0	In the exportation of at least 50 maass of brandy 36 kr. are refunded per ohm of Baden, and on spirits of wine 1 fl 10 kr.
10	Hesse.....	Ohm (Grand Duchy of Hesse), with 50 per cent. alcohol, according to Tralles.	5 4 3 <sup>3</sup>	9 0	In the exportation of 20 maass and upward, 6 fl. are allowed on the grand ducal Hessian ohm, at 50 per cent. alcohol, according to Tralles.
	IV.—On bruised malt.				
1	Bavaria, on the right of the Rhine. Also, the above-mentioned portions of other states of the Zollverein, mentioned with Bavaria, under II 7.	Metzen (Bavarian) = 0.674283 scheffel Prussian.	14 3 <sup>1</sup>	50	
2	Württemberg.....	Simri (of Würtemberg) = 0.403069 scheffel Prussian: (a) Bruised dried malt. (b) Crushed undried malt.	6 3 <sup>3</sup> 2 6 <sup>9</sup>	22 9	



## APPENDIX No. 9—CONTINUED.

## C.—Annex to No. 11 of the final protocol.

Notice concerning the maximum amount of duties to be refunded to builders of sea-going vessels, according to their capacity, for the component parts of iron that cannot be specially shown.

Capacity of the vessels in Lasts of 4,000 pounds each.	Amount per Last.			Difference per Last.
	Thl.	Sgr.	Pf.	Pf.
For a vessel of 50 lasts or less.....	1	11	0	22
For a vessel of 75 lasts.....	1	9	4	22
For a vessel of 100 lasts.....	1	7	8	22
For a vessel of 125 lasts.....	1	6	2	22
For a vessel of 150 lasts.....	1	4	9	22
For a vessel of 175 lasts.....	1	4	4	22
For a vessel of 200 lasts.....	1	3	11	22
For a vessel of 225 lasts.....	1	3	6	22
For a vessel of 250 lasts.....	1	3	1	22
For a vessel of 275 lasts.....	1	2	8	22
For a vessel of 300 lasts.....	1	2	3	22
For a vessel of 325 lasts.....	1	1	10	22
For a vessel of 350 lasts.....	1	1	5	22
For a vessel of 375 lasts.....	1	1	0	22
For a vessel of 400 lasts.....	1	0	7	22
For a vessel of 425 lasts.....	1	0	2	22
For a vessel of 450 lasts.....	29	9		22
For a vessel of 475 lasts.....	29	4		22
For a vessel of 500 lasts.....	29	0		22
For a vessel of 525 lasts.....	28	8		22
For a vessel of 550 lasts.....	28	4		22
For a vessel of 575 lasts.....	28	0		22
For a vessel of 600 lasts.....	27	8		22
For a vessel of 625 lasts.....	27	4		22
For a vessel of 650 lasts.....	27	0		22
For a vessel of 675 lasts.....	26	8		22
For a vessel of 700 lasts.....	26	4		22
For a vessel of 725 lasts.....	26	0		22
For a vessel of 750 lasts.....	25	8		22
For a vessel of 775 lasts.....	25	4		22
For a vessel of 800 lasts.....	25	0		22
For a vessel of 825 lasts.....	24	8		22
For a vessel of 850 lasts.....	24	4		22

REMARKS.—1. The above rates are adopted for iron-bottomed vessels, and a deduction is made of 5 silbergroschen per last in the case of copper-bottomed vessels, when the copper used therefor has been delivered duty free.

2. For vessels whose capacity is a number of lasts coming between any two of the numbers given in the above table, the amount per last is to be calculated proportionally with the aid of the differences. For instance, since between the capacity of 125 and 150 lasts the difference per last amounts to  $\frac{1}{2}$  of a pfennig, the amount to be refunded is calculated for a vessel of 132 lasts at  $7 + \frac{1}{2}$  pfennige = 5 pfennige less per last than for one of 125 lasts, consequently at 1 thaler 5 silbergroschen 9 pfennige. In this calculation fractions of a pfennig, when the fraction exceeds  $\frac{1}{2}$ , are to be reckoned as whole pfennige; otherwise no account is to be made of them.

## APPENDIX No. 9—CONTINUED.

## D.—Annex to No. 17 of the final protocol.

## Business license.

Good for the year [stamp with the arms and name of the country] 1800 and sixty-eight.

N, residing in N N, who purposes to solicit orders in the territory of the Zollverein, and to purchase goods for the account of his own drug-house and of the drug-house of N N, in which he is employed as clerk, also of the houses named below, is hereby notified, for his business legitimation before the authorities of the other states of the Zollverein, that the lawful taxes must be paid for carrying on the business of the aforesaid house (houses) in this country. He can only take with him samples of the goods which he wishes to order, and can only take purchased goods for the purpose of forwarding

them to their place of destination. He is also prohibited from soliciting orders or making purchases for any save the aforesaid house (houses).

In soliciting orders or in purchasing goods he must observe the regulations in force in each state of the Zollverein.

(Place, date, signature, and stamp of the issuing office.)

Personal description and signature of the traveler.

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## APPENDIX No. 10.

*Article 49 of the treaty of alliance of the North German Union, of November 23, 1867.*

*Relations to foreign postal territories.*

### ARTICLE 49.

Transmission, in connection with foreign postal territories, is regulated according to postal treaties with the foreign powers concerned, and according to agreements with foreign transportation companies.

In the conclusion of postal treaties with foreign powers, when two or more of the parties to the present treaty have direct postal relations with one and the same foreign state, or desire to enter into such relations, that postal administration which proposes to conclude a new treaty shall give notice of its intention to the other postal administrations, with a view to bringing about an understanding with regard to the harmonious action to be taken towards the foreign country and to the promotion of the existing common interests of the German postal system.

In cases where such an understanding has been reached, the postal administrations concerned will endeavor to bring about the conclusion of the new treaties in common, and one of the contracting parties may, to this effect, appoint another as its plenipotentiary.

In all cases care shall be taken by the treaties, in order that the facilities afforded to the postal communication of the foreign country concerned, with the territory of the contracting German postal administration, shall be extended in the same manner and on the same conditions to the correspondence conveyed in parcels of other German postal territories with the foreign country concerned.

The acceptance of the provisions contained in the treaties with foreign countries shall be obligatory upon all the parties to the present treaty, provided that no rates of postage are fixed lower than the German postage. In case it becomes necessary to adopt lower rates, it shall be optional with the several postal administrations whether they will become parties to the provisions of the treaty in question.

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## APPENDIX No. 11.

*Prussian law relating to the state of siege, dated June 4, 1851.*

We, Frederick William, by the grace of God, King of Prussia, &c., &c., hereby ordain, with the approval of the chambers, as follows :

### § 1.

In case of war, every commandant of a fortress is authorized to declare the fortress under his command, with the district belonging thereto, in provinces threatened or partially occupied by the enemy, to be in a state of siege for purposes of defense, and a commanding general is authorized to do the same as regards the district of the army corps or single portions thereof.

### § 2.

Also in case of a tumult or riot, when the public safety is in imminent danger, a state of siege may be declared, either in time of war or peace.

The declaration of a state of siege shall be made by the ministry of state, but, in urgent cases, it may be made for special districts, provisionally and subject to the immediate confirmation or disapproval of said ministry, by the principal military commandant in the same, at the suggestion of the principal executive officer of the provincial subdistrict; but, when there is danger in delay, even without such suggestion.

In fortresses, a provisional declaration of a state of siege shall be issued by the commanding officer of the fortress.

## § 3.

The declaration of a state of siege shall be announced, without delay, by the sound of drum or trumpet, and also by notifying the authorities of the commune, by handbills posted in public places, and by publication in the newspapers. The raising of the state of siege shall be brought to public notice by informing the communal authorities and by advertising in the newspapers.

## § 4.

When a state of siege is declared the executive power goes into the hands of the military commandant. Civil and communal authorities must obey the orders and injunctions of the military commandant.

Military commandants shall be personally responsible for their orders.

## § 5.

If, when a state of siege is declared, it is thought advisable to declare articles 5, 6, 7, 27, 28, 29, 30, and 36, of the constitution, or any part thereof, to be not in force for any time and in any district, the provisions of such suspension of force must be expressly stated in the proclamation which declares a state of siege to exist, or it must be announced in a special order, to be promulgated in the same form (§ 3).

The suspension of the aforesaid articles, or one of the same, is only admissible for the district which is declared to be in a state of siege and only for the duration of the state of siege.

## § 6.

Military persons, during a state of siege, are subject to the laws issued for such state. Sections 8 and 9 of this ordinance are also applicable to them.

## § 7.

In the places or districts declared to be in a state of siege the commanding officer of the garrison (in fortresses the commandant) shall have military jurisdiction over all military persons belonging to the garrison. He shall also have the right to confirm sentences pronounced against such persons by court-martial. Only sentences of death in time of peace are an exception to this; such sentences must be confirmed by the commanding general of the province.

With regard to the execution of lower jurisdiction, the provisions of the military penal code remain unchanged.

## § 8.

Any person who is guilty of an intentional arson, or of intentionally causing an inundation, or of attacking or resisting the armed force or representatives of the civil or military authorities with open force and with arms or dangerous instruments, shall be punished with death. If there are any mitigating circumstances, the guilty party may be sentenced to imprisonment for ten or twenty years, instead of to death.

## § 9.

Any person guilty of the following offenses in a place or district declared to be in a state of siege shall be punished with imprisonment for a term not exceeding one year, provided the existing laws do not fix a longer period.

(a) Spreading false reports as to the number, line of march, or alleged victories of the enemy or of the rioters, when such reports are calculated to mislead the civil or military authorities; or

(b) Violating any order issued in the interest of public safety on the declaration of a state of siege or during the same, or inciting to such violation; or

(c) Inciting to riot, to resistance by force, to the liberation of a prisoner, or to other offenses provided for in § 8, even if unsuccessfully; or

(d) Seeking to persuade soldiers to commit acts of insubordination or offenses against military discipline and order.

## § 10.

If courts-martial are formed during the suspension of article 7 of the constitution, they shall have jurisdiction in cases of high treason, treason, murder, riot, forcible resistance, destruction of railways and telegraphs, rescue of prisoners, mutiny, robbery, pillage, extortion, tampering with soldiers, and the crimes and offenses provided for in sections 8 and 9, if all the aforesaid crimes and offenses have been committed subsequently to the declaration and promulgation of the state of siege, or are continued thereafter.

Crimes and offenses against the internal and external safety of the state (articles 75 to 108 of the Rhenish penal code) are to be considered as high treason and treason-felony within the jurisdiction of the Rhenish court of appeals at Cologne, until the adoption of a penal code for the entire monarchy.

In case article 7 of the constitution has not been declared suspended by the ministry of state, the execution of the sentence, in cases tried by court-martial shall be postponed in time of peace until the suspension has been approved by the ministry of state.

§ 11.

Courts-martial shall consist of five members, two of which shall be civil judicial officers, designated by the president of the civil court of the place, and three shall be officers appointed by the military commandant of the place. The rank of the officers shall be at least that of captain; if there are not enough officers of so high a grade, the number shall be made up from officers of the next grade.

If there is not a sufficient number of civil judicial officers in a fortress surrounded by the enemy, such number shall be completed by the military commandant from the members of the parish representation (*Gemeindevertretung*). If there is no civil judicial officer in the fortress, an auditor shall always be a civil member of the court-martial.

The number of courts-martial shall be in proportion to the requirements when an entire province, or a part thereof, has been declared to be in a state of siege, and the jurisdiction of each of these courts shall be fixed in such cases by the commanding general.

§ 12.

A judicial officer shall preside over the sessions of the courts-martial.

The presiding officer shall, before the court begins its business, administer an oath to the officers designated as members, and to those civil members, if any, who have no judicial character, whereby they shall bind themselves to fulfill the duties of their office conscientiously and impartially, according to law.

The military commander who appoints the military members of the court-martial shall appoint an associate judge, or, in default thereof, an officer, as reporter. It shall be the duty of the reporter to see that the law be properly executed, and to promote the elicitation of the truth. He shall have no vote.

A civil officer shall be appointed by the presiding officer of the court-martial to keep the minutes of its proceedings, and the oath shall be administered to him by said presiding officer.

§ 13.

The following provisions are to regulate the proceedings before the courts-martial:

1. The proceedings shall be conducted orally and publicly; but, if the court deems that it is required by the public welfare, they may be conducted in private; the court, in this case, to announce its decision by public proclamation.

2. The accused may have the benefit of counsel. If he selects none one must be appointed for him by the presiding officer of the court, provided crimes or offenses are here concerned, for which, according to the common penal law, a severer punishment is inflicted than imprisonment not exceeding one year.

3. The reporter shall state, in presence of the accused, the crimes with which he is charged.

The accused shall be summoned to give an account of the same, and further evidence shall then be taken.

The reporter shall then be heard concerning the results of the depositions and the enforcement of the law, and finally the accused and his counsel shall be heard.

The sentence shall be pronounced after immediate secret deliberation of the court, a majority agreeing, and immediately made known to the accused.

4. The court shall determine the legal punishment to be inflicted, or shall acquit the accused, or shall refer his case to the ordinary judge.

The accused, if acquitted, shall be at once released. The case shall be referred to the ordinary judge when the court-martial does not consider itself competent; it shall in that case issue in its sentence special provisions as to the continuance or discontinuance of the arrest.

5. The sentence, which shall mention the day on which the proceedings take place, and shall contain the names of the judges, the statement of the accused regarding his accusation, mention of the taking of the evidence and the decision concerning the question of fact and the point of law, as also the law upon which the sentence is based, shall be signed by all the judges and the clerk of the court.

6. From the sentences of a court-martial there is no appeal. Sentences of death, however, require the confirmation of the military commandant referred to in § 7, and, in time of peace, that of the commanding general of the province.

7. All punishments, excepting the death penalty, shall take effect within twenty-four hours after the announcement of the sentence, and when the penalty is death it shall be executed within the same space of time after the confirmation of the sentence.

8. Death shall be inflicted by shooting. If any sentences of death shall remain unexecuted when the state of siege is at an end, this penalty shall be changed by the ordinary judge into that which, had the state of siege not existed, would have been the

lawful consequence of the offense of which the prisoner shall have been convicted by the court-martial.

§ 14.

The authority of courts-martial shall cease simultaneously with the close of the state of siege.

§ 15.

When the state of siege is at an end all the sentences pronounced by the court-martial, together with the statements of the grounds therefor and minutes of proceedings, and likewise the cases still pending, shall be handed over to the ordinary courts. These shall pronounce sentence according to the ordinary penal laws in the cases which have not yet been decided by the court-martial, and only in the cases of § 9 shall they decide according to the penal provisions therein contained.

§ 16.

Even when a state of siege has not been declared, articles 5, 6, 27, 28, 29, 30, and 36 of the constitution, or any one of the same, may, in case of war or riot, when danger to the public safety is imminent, be declared not in force by the ministry of state.

§ 17.

With regard to the declaration of a state of siege, as likewise of every suspension occurring, either together with the same or in the case of the suspension provided for in § 16, even of one of the articles of the constitution mentioned in sections 5 and 16, a report must be made to the chambers immediately or at their next meeting.

§ 18.

All provisions at variance with this law are hereby repealed.

This law shall take the place of the ordinance of May 10, 1849, and of the declaration of July 4, 1849. (Laws, pp. 165 and 250.)

Done on the Potsdam and Magdeburg Railway, June 4, 1851.

FREDERICK WILLIAM. [L. s.]

V. MANTEUFFEL.  
V. D. HEYDT.  
V. RABE.  
SIMONS.  
V. STOCKHAUSEN.  
V. RAUMER.  
V. WESTPHALEN.

APPENDIX No. 12.

*Part III, § 5, of the treaty with Bavaria, of November 23, 1870.*

§ 5.

As to articles 57 to 68 of the constitution of the (German) Union, article 57 is applicable to the kingdom of Bavaria; article 58 is likewise applicable to the kingdom of Bavaria. The latter article, however, contains the following addition for Bavaria:

"The obligation contained in this article will be fulfilled by Bavaria by defraying exclusively and alone the expenses and burdens of its military establishment, those of the fortresses within its territory, and those of other fortifications."

Article 59 and article 60 are legally applicable to Bavaria.

Articles 61 to 68 are not applicable to Bavaria.

In their stead the following provisions shall be operative:—

"I. Bavaria shall retain its military laws, together with the instructions for their execution, ordinances, elucidations, &c., until the constitutional decision of the matters to be referred to the law-making power, and until an understanding is reached as regards the introduction of the laws and other provisions hereto relating which were enacted before Bavaria entered the Union.

"II. Bavaria pledges itself to raise, for its contingent and the arrangements thereto appertaining, an amount equal to that raised by the other parts of Germany for the army of the Union, according to the numerical force.

"This amount shall be placed in the budget of the Union in one sum for the royal Bavarian contingent. Its expenditure shall be regulated by special lists, the preparation of which shall be left to Bavaria.

"Those items shall serve as a standard for this purpose which are inserted in the several titles for the rest of the army of the Union.

"III. The Bavarian army shall form an independent constituent part of the German army of the Union, having its own management, under the military authority of His Majesty the King of Bavaria; in war and when mobilization commences, under the command of the commander-in-chief of the armies of the Union.

"As to organization, formation, improvement, dues, and mobilization, Bavaria will establish perfect harmony with the regulations existing for the army of the Union.

"As to arming and equipment, as well as indications of rank, the Royal Bavarian Government reserves to itself the establishment of entire harmony with the army of the Union.

"It shall be the duty and the right of the commander-in-chief of the armies of the Union to convince himself, by inspection, of the agreement in organization, formation, &c., and of the fullness and efficiency of the Bavarian contingent, and he shall communicate with His Majesty the King of Bavaria as to the method and result of these inspections.

"The order for the mobilization of the Bavarian contingent, or any part thereof, shall be issued by His Majesty the King of Bavaria, at the instance of the commander-in-chief of the armies of the Union.

"For the sake of constant mutual information in the military relations created by this provision, the military plenipotentiaries at Berlin and Munich shall be apprised by their respective ministers of war of such orders as may be issued.

"IV. It shall be the duty of the Bavarian troops to render unconditional obedience, in time of war, to the orders of the commander-in-chief of the armies of the Union. This obligation is comprised in the oath of enlistment.

"V. The establishment of new fortresses in the territory of Bavaria, in the interest of the defense of all Germany, will be granted by Bavaria by special agreement.

"The expense of building and equipping such establishments in its territory shall be shared by Bavaria in proportion to the number of its population with the other states of the German Union; likewise extra amounts that may be allowed by the Union for other defensive establishments.

"VI. The premises on which the territory of the Union, or any part thereof, may be declared to be in a state of war by reason of the public safety being threatened, the form of the proclamation, and the effects of such a declaration, shall be determined by a law of the Union.

"VII. The foregoing provisions shall go into operation January 1, 1872."

## APPENDIX No. 13.

*Military convention between the North German Union and Württemberg,  
dated Versailles, November 21st, 1870.  
Berlin, November 25th.*

His Majesty the King of Prussia, in the name of the North German Union, and His Majesty the King of Württemberg, with a view to adapting to the peculiar conditions of the Kingdom of Württemberg the provisions of the constitution of the German Union, by them adopted, concerning the military affairs of the Union, have caused negotiations to be commenced, and have appointed plenipotentiaries as follows:

His Majesty the King of Prussia; his minister of state, war, and marine, General Albrecht von Roon; and His Majesty the King of Württemberg; his minister of war, Lieutenant-General Albert von Suckow:—by which plenipotentiaries, their respective full powers having been found to be in good and due form, the following military convention has been adopted:

### ARTICLE 1.

The troops of Württemberg, as a part of the army of the German Union, shall form an independent army corps, according to the annexed schedule, together with the proper number of relief and garrison troops, according to Prussian rules, in case of mobilization or preparation for war.

### ARTICLE 2.

The new organization of the troops of Württemberg herein provided for shall be finished on a footing of peace in three years after the order for the return from the present state of war.

### ARTICLE 3.

• From the time of this return, beginning on a day to be hereafter appointed, the troops of Württemberg shall form the fourteenth army corps of the German Union, with their own flags and standards, and the divisions, brigades, regiments, and independent battalions of the army corps shall receive their proper current number in the army of the German Union in addition to their Württemberg number.

## ARTICLE 4.

The placing of the royal troops of Württemberg under the command of His Majesty the King of Prussia, as commander-in-chief of the armies of the Union, shall also begin on a day to be fixed hereafter, and the military oath of allegiance shall, when it refers to this, read as follows: "That I will faithfully serve His Majesty the King during my time of service, will obey the commander-in-chief of the armies of the Union and the military laws, and will always demean myself as a brave and honorable soldier: So help me God."

## ARTICLE 5.

The appointment, promotion, transfer, &c., of the officers and employés of the royal army corps of Württemberg shall be done by his Majesty the King of Württemberg, that of the chief officer of the army corps with the sanction of his Majesty the King of Prussia as commander-in-chief of the armies of the Union. His Majesty the King of Württemberg shall enjoy, as commander of his troops, the honors and rights which belong to him, and shall exercise the corresponding judicial functions, together with the right of ratification and pardon in the case of officers and soldiers against whom sentence has been pronounced, and this right shall take precedence of the privileges of the commander of the army corps and of those of the royal ministry of war of Württemberg.

## ARTICLE 6.

Without prejudice to the rights to dispose of all troops of the Union, and their distribution, which belong to the commander-in-chief of the armies of the Union according to the constitution, the army corps of Württemberg shall be maintained in its organization in time of peace and shall be distributed in its own country; an order of the commander-in-chief of the armies of the Union and the distribution of other German bodies of troops in the kingdom of Württemberg shall take place, in time of peace, only with the sanction of his Majesty the King of Württemberg, provided the object is not to garrison South German or West German forts.

## ARTICLE 7.

With regard to the appointment of commandants for forts situated in the kingdom of Württemberg, which, according to article 64 of the constitution, is to be made by the commander-in-chief of the armies of the Union, and also with regard to the privilege which likewise belongs to him, of establishing new forts in the kingdom, the commander-in-chief of the armies of the Union will first come to an understanding with the King of Württemberg; likewise when the said commander-in-chief desires to select for appointment an officer from the army corps of Württemberg.

As a basis for these appointments, reports of the conduct and qualifications of the officers of the army corps of Württemberg, from the staff officer upward, shall be annually prepared, according to the Prussian system, and laid before His Majesty the commander-in-chief of the armies of the Union.

## ARTICLE 8.

For the promotion of uniformity in the training and service of the troops, certain officers of Württemberg shall, by mutual agreement, be transferred for from one to two years to the Prussian army, and Prussian officers shall, in like manner, be transferred to the army corps of Württemberg.

With regard to the transfer of individual officers from the service of Württemberg to that of Prussia, or *vice versa*, a special arrangement shall in each case be made.

## ARTICLE 9.

The commander-in-chief of the armies of the Union, who, according to article 63, has at all times the right to convince himself, by inspection, of the condition of the several contingents, will inspect the troops of Württemberg at least once a year in person, or cause them to be inspected, in garrison or on manœuvres, by persons of whose appointment as inspectors His Majesty the King of Württemberg shall be previously notified.

Information of any abuses that may be observed at such inspections shall be communicated by the commander-in-chief of the armies of the Union to the King of Württemberg, who will take measures to remedy them and report the measures adopted to the commander-in-chief aforesaid.

## ARTICLE 10.

For the organization of the army corps of Württemberg, so long as there is no law of the Union to the contrary, the now-existing Prussian regulations shall be observed.

In accordance herewith, in the kingdom of Württemberg, besides the North German law of November 9, 1867, concerning the obligation to perform military service, together

with the supplementary military instruction of March 26, 1868, belonging thereto, all Prussian regulations concerning drill and other matters, instructions and rescripts shall be enforced, especially the ordinance concerning courts of honor, which bears date of July 20, 1843, the provisions, both for war and peace, concerning drafting, time of service, care of the sick and wounded, mobilization, &c., concerning the filling of vacant officers' positions, and concerning the system of military education and training.

The following are excepted, in the arrangements of the army corps of Würtemberg, from community with those of the Prussian army: The military liturgy, the military penal code, and military judicial proceedings in penal cases, as well as the provisions concerning the quartering of troops and payment for damage done to landed property, with regard to which the laws and regulations now in force shall remain so until the enactment of others by the legislative body of the Union.

The marks distinguishing rank and the denominations and mode of administration are the same in the army corps of Würtemberg as in the Prussian army. Directions for the clothing of the army corps of Würtemberg shall be given by his Majesty the King of Würtemberg, and the condition of the army of the Union shall be considered, so far as possible, when this is done.

#### ARTICLE 11.

In case of a war, the control of the telegraphs, so far as they are adapted to military purposes, shall, throughout its entire duration, be under the control of the commander-in-chief of the armies of the Union.

The royal government of Würtemberg will make proper arrangements in time of peace in conformity with those of the North German Union; and especially during the construction of telegraphic lines, will take care to organize a field-telegraphic service corresponding to the military strength of its army corps.

#### ARTICLE 12.

From the sum to be placed by Würtemberg, according to article 62, at the disposal of the Union (Bundesverfassung), the Government of Würtemberg shall pay, according to the budget of the Union, the expense of the maintenance of the royal army corps of Würtemberg, including new purchases, buildings, establishments, &c., to be managed by itself, and likewise Würtemberg's part of the expenses for the requirements of the army of the Union, such as central management, fortifications, support of the military educational establishments, including military schools and establishments for the education and training of surgeons, commissions for examination, scientific and technical institutions for the benefit of the army, the battalion of instruction, the school of rifle and artillery practice, the military riding-school, the central gymnastic establishment, and the grand staff. Such amounts as, with a full performance of the required duties toward the Union, it may be possible to save shall be at the disposal of Würtemberg.

The army corps of Würtemberg shall participate in the general arrangements, and shall be proportionably represented on the general staff.

#### ARTICLE 13.

The payment of the quota which is to be contributed by Würtemberg, according to article 62 of the constitution of the Union, shall begin on the first day of the month following the order for the return of the troops of Würtemberg from a war footing. The army corps of Würtemberg, however, shall not appear in the budget until January 1, 1872.

During the period of transition (three years) provided for in article 2, the consideration of the new organization to be made within this period shall be authoritative, both as regards the amounts to be brought into juxtaposition and the admissibility of the reciprocal transfer of specific expenditures and the transfer of items of expenditure under the same general head from one year to the other.

#### ARTICLE 14.

Re-enforcements of the troops of Würtemberg by recall of men on furlough, and also the arrangement of the same upon a war footing, and finally their mobilization, shall be dependent upon the orders of the commander-in-chief of the armies of the Union. Such orders must be strictly obeyed at all times. The expense occasioned hereby shall be borne by the treasury of the Union, but the treasury of Würtemberg shall advance the necessary money, so far as the funds which it may have on hand will permit.

#### ARTICLE 15.

For the definition of the relations, as regards service, of the army corps of Würtemberg to the army of the German Union, there shall be a direct correspondence between the Prussian ministry and that of Würtemberg, and the latter shall thus receive all the regulations, provisions, &c., in force at the time, or which may subsequently be issued, that it may duly execute them.



The royal government of Württemberg shall also be constantly represented in the committee of the Bundesrath for the army and the fortresses.

## ARTICLE 16.

The present convention shall, after approval, be ratified by the legislative bodies, and the ratifications shall be exchanged simultaneously with the declarations concerning the ratification of the constitution of the German Union, which has this day been adopted.

In testimony whereof the plenipotentiaries have executed and sealed this convention in duplicate.

Done at Headquarters Versailles, November 21, 1870.  
Berlin, November 25, 1870.

VON ROON. [L. s.] VON SUCKOW. [L. s.]

The exchange of ratifications took place at Berlin.

*Peace footing of the royal army-corps of Württemberg.*

- One general command.
- Two division commands.
- Four infantry brigade commands.
- Two cavalry brigade commands.
- One artillery brigade command.
- Eight infantry regiments, of three battalions each.
- Four cavalry regiments, of five squadrons each.
- One field artillery regiment, with three unmounted companies, having four batteries each.
- One garrison artillery detachment, with four garrison companies.
- One pioneer battalion.
- One train battalion.
- Sixteen Landwehr district commands.
- The administrations corresponding to the foregoing.

*War footing of the royal army-corps of Württemberg.*

## I. Field troops :

- (a) Command authorities: One general command (together with field gendarmerie detachment and staff-guard); two infantry division commands; two cavalry brigade commands; one command of the reserve artillery.
- (b) Infantry: The regiments containing three battalions each.
- (c) Cavalry: The regiments containing four squadrons each.
- (d) Artillery: The detachment staffs existing in peace; the batteries, with six pieces; also a column detachment, consisting of the staff, four infantry columns, and four artillery ammunition trains.
- (e) Pioneers, three independent companies, with light field bridge-train, engineer column, and ponton column.
- (f) Trains: Staff of the train-battalion; five provision columns; three sanitary detachments, including companies for carrying the sick; one horse-depot; one field-bakery column; one squadron, for accompanying trains; wagon-train columns (about five, of eighty teams each).
- (g) Administrations.
  1. The intendancies, as follows: The corps intendancy; three division intendancies (one for each of the two infantry divisions; one for a reserve artillery).
  2. The war fund of the corps.
  3. The field provision offices, as follows: One chief field provision office; three field provision offices (one for each of the two infantry divisions—one for the reserve artillery); one field-bakery office.
  4. The directing medical *personnel*.
  5. Twelve field-hospitals.
  6. The hospital-reserve *personnel*.
  7. One hospital-reserve depot.
  8. The field-post thus: one field-post office; four field-post expeditions, of which latter two are for the two infantry divisions, one for the reserve, (cavalry and artillery); the fourth is mainly attached to the field-post, and, in case of necessity, is transferred to the advanced guard.
  9. The paymasters' department.
  10. The clergy.

II. Stationary authorities: one deputy general command, four deputy infantry brigade commands, one inspector of the reserve squadrons, one command of the stationary artillery, one stationary intendency, one deputy chief corps-surgeon.

III. Substitutionary troops: eight substitutionary battalions; four substitutionary squadrons; one substitutionary artillery detachment, with two batteries, having six guns each; one substitutionary pioneer company; one substitutionary train detachment.

IV. Garrison troops: sixteen Landwehr battalions; one or two garrison cavalry regiments; three reserve foot-batteries, with six guns each; eight fortress artillery companies, with the necessary detachment staffs; three fortress pioneer companies.

All the troops on a war and peace footing, according to the Prussiau schedule, as regards strength. Hereafter, when the number of men to be called into service in time of peace exceeds the constitutional rate per cent. of the amount of population, the necessary modifications shall be reserved for special measures.

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No. 115.

*Mr. Davis to Mr. Evarts.*

No. 698.]

LEGATION OF THE UNITED STATES,  
Berlin, June 13, 1877. (Received July 5.)

SIR: Most European centers of population, even those of the smallest pretension, possess a collection of works of art of more or less value, and of more or less extent. In the large capitals these treasures are generally æsthetically arranged, with a view to gratify cultivated taste and give pleasure to sight-seers. The famous collections of the Vatican and the Louvre cannot be said to aspire to more than this, since, though liberally opened to the student and the copyist, they are not arranged with a view to progressive study or as a means of popular education.

Some of the modern collections, however, have been formed, arranged, and classified, and are used, rather with a view to diffuse a correct knowledge of the principles of art among a whole population than to afford pleasure to educated sight-seers. This is especially true of many German collections, and of none more so than of those in the museum of Berlin.

That collections for such purposes benefit a nation, that they create nobler tastes and gratify higher instincts than those developed or touched by the ordinary business of life, that they even have a commercial advantage and give a people new sources for the creation of national wealth, are truisms too obvious to dwell upon. That they require only a comparatively moderate annual outlay, provided it be directed by cultivated intelligence and unselfish zeal, is not so well known. Perhaps, therefore, I shall not entirely throw away my time if I devote it to the preparation of a brief sketch of the origin of the Berlin Museum, and of what it aspires to be and to do. It is quite within the power of the United States, should the necessary appropriation be made, to found an institution which, before the end of the first quarter of the next century, will be as useful to the millions who will then people the country as this museum is to the Germans of to-day.

The early princes of the house of Hohenzollern were brave and skillful warriors, thrifty statesmen, and lovers of freedom according to the ideas of their day; but the art which they most cherished was the art of war. While the finer-endowed Saxon rulers were collecting in Dresden enduring food for the gratification of the higher wants of man, Berlin was without a focus for a national art collection until the first

quarter of the present century had gone by. Individual electors of Brandenburg and monarchs of Prussia had collected pictures, some of questionable taste and some of merit, and also a quantity of antique statues, of which few had much worth; but these articles were scattered about in various palaces, inaccessible as a whole to the general public.

As early as 1810, the father of the present monarch conceived the idea of massing the royal treasures in a national collection. It being found impracticable to put them in the academy in the Unter den Linden, Schinkel was commissioned in 1823 to construct the building now known as the Old Museum. The collections were placed in it when finished, and thrown open to the public in 1830, from which time only the Berlin Museum can be said to have existed as an entirety. The space was soon found inadequate, and what is called the New Museum was constructed in the rear of the old one between 1844 and 1855.

William von Humboldt was one of those most instrumental in planning the original arrangement of the united collections. After the work was done, he reported to the King that, in his opinion, it was more systematic and more harmonious than the arrangement of any other great collection. He also foreshadowed the collection of casts from the antique, which is now one of the great features of the museum; and he added that, should that collection be extended and completed in the spirit in which it was begun, and should it be systematically arranged in an appropriate place, it would, in connection with the paintings, afford an unequalled opportunity for the study of art.

The administrative system then put in operation has been somewhat modified. Through all the changes, however, it has preserved its fundamental principle that there must be a central functionary to whom the specialists at the head of the several divisions are to be subordinate. Eminent men, holding from time to time the secondary posts, have resisted the subordination to a central head undoubtedly inferior to them in special fitness for managing a particular division; but it has been thought—and, in my judgment, wisely—that a man of general information and culture will take a broader view than a specialist is likely to take of the wants of the institution as a whole, and will therefore be a fitter person to be intrusted with the divisions among the different departments of the amount yearly allowed for the use of the whole institution.

The statutes of the museum are not in print. The officers, however, have kindly placed them at my disposal, and have been most generous in furnishing information on all points respecting the organization and management of the institution. The crown prince is at the head as its protector. No article costing over 1,500 marks (\$357.30) and under 15,000 marks (\$3,573) can be added without his approval. The purchase of articles costing over 15,000 marks must be first approved by the Emperor.

The institution is in the department of the ministry of education. It is declared to be "founded for scientific and art purposes," and it is said that "the instruction desired and the cultivating influences of art are to be furthered by information to be given cheerfully by the officials, and by catalogues of the several collections." The officer at the immediate head is called the director-general, and all officials are required to obey him.

The statutes make the following divisions and subdivisions of the collection:

- I. The collection of plaster casts of sculpture of all ages and countries.

## II. The collections from ancient ages.

1. The Egyptian collection.
2. Classic and other antique sculptures.
3. Vases, bronzes, mosaics, and other more minute works of art of the Greek and Roman period.
4. Coins of the same period.

## III. The collections from the middle ages and more modern periods.

1. Sculpture.
2. Models of buildings.
3. More minute works of art.
4. Coins.
5. Paintings.
6. Drawings, miniatures, and prints.

## IV. Historical, geographical, and ethnological collection.

1. Historical curiosities of the royal house of the country and of the countries in intimate relation with the same.
2. German and Sclavic antiquities.
3. Curiosities from other parts of the world.

The several departments of the museum are placed in charge of directors and assistants, who are to be present alternately whenever the museum is open, the director coming on one day and the assistant on the next. They are required to devote their time to their respective departments, and to be always ready to give any desired information respecting the collections under their charge.

In order further to assist the director-general there is a commission, consisting of five experts, to hear and report upon (*a*) new acquisitions; (*b*) removal of existing objects from the museum; (*c*) arrangement of objects in the museum; (*d*) repair and restoration of injured objects; (*e*) disposition of objects condemned as unsuitable; and (*f*) catalogues. Directors may be members of this commission. The concurrence of at least three members is necessary to a report. If the director-general disapproves of their action in any given case, he must report the fact to the minister of education, who has a right of revision. At present a director has no veto upon a purchase ordered for his department, even though he may disapprove of it. I am told that the proper authorities are considering whether it may not be well to confer this power.

In putting the statutes into operation the official divisions I have referred to are abandoned or disregarded. The departments (*Abtheilungen*) which have a director and an assistant director are: (1) the paintings; (2) the statues; (3) the antiquities; (4) the coins; (5) the drawings, miniatures, &c.; (6) the collection of artistic works of the middle ages; (9) the Egyptian antiquities. The ethnographic collection (No. 7) and the collection of northern antiquities (No. 8) are attached to No. 6; and the department of casts (No. 10) is attached to No. 2. The gallery of paintings has also a restorer and an assistant restorer, whose functions are both consultative and administrative. The first scholarship of Prussia is drawn into the service of these departments. The late Dr. Waagen, esteemed one of the first critics of Europe, was at the head of the picture-gallery for twenty years. His present successor is Dr. Meyer. Professor Curtius is in charge of the department of classic antiquities. The department of coins is under the management of Dr. Friedlander; that of ethnography under Professor Bastian. Professor Lepsius created and manages the Egyptian department. The general director is Count Usedom, a gentleman long in the diplomatic service of Prussia, and regarded as qualified by general culture and varied experience to exercise the requisite gentle check upon the eminent men under him. The entire

force, from the director-general down, employed in the service numbers 86 persons. This includes 44 gallery-attendants and 17 laborers. The entire amount annually expended in salaries and in the traveling expenses of persons sent out on special artistic or scientific missions is 212,620 marks (\$50,646.08). One familiar with the annual appropriations made for the staff of persons employed in the Capitol and departments in Washington will be struck with the contrast.

The budget for fire and lights, care of the buildings and gardens, libraries of servants, stationery, care and preservation of the books in the library, &c., is 103,550 marks (\$25,848.61). The aggregate of these two sums (\$76,494.69) represents the actual cost of maintaining this enormous institution in its present condition. To this must be added the amount annually expended for new purchases, which varies with the opportunities to buy and the generosity of the appropriating power. In the budget for the present year it is fixed at 325,000 marks (\$77,415). For many years the amount expended did not approach this sum. In some years it has exceeded it. During the years 1872-73-74 the new acquisitions amounted to 44,337 pieces, viz, 225 pictures, 73 pieces of statuary, 192 casts, 2,580 articles of classic antiquity, 21,130 coins, 12,368 engravings, 3,031 ethnographic articles, 3,363 additions to the collection of German or northern antiquities, 50 additions to the Egyptian collection, and 1,325 articles of middle-age art.

The general disposition and arrangement of the collections is worthy of much praise, and could be imitated in similar collections elsewhere. The casts from the antique, for instance, are placed in rooms ornamented with views of restorations of Grecian and Roman buildings and towns. The walls of the room which holds the casts from the Parthenon and the temple of Ægina are painted in fresco with views of the Acropolis, Olympia, Ægina, Sunium, and other similar sights. The rooms containing the Egyptian collection are decorated with paintings whose proper purpose can best be told in Professor Lepsius's language :

In the arrangement of the rooms for the Egyptian museum, it has been proposed to make not only a convenient but an historic and art-teaching background, by means of which the separated and disconnected monuments of that far-distant epoch can be made to afford a more intelligent understanding and a greater comprehension to the beholder. A coup d'œil of the history, the mythology, and the private life of the ancient Egyptians, spread before the eye in wall-pictures, should introduce one to the actual circle of Egyptian ideas, from which their monuments proceeded. Limiting ourselves here to copies of existing old Egyptian representations, we have been able, by faithfully imitating the Egyptian style and forms in larger dimensions and more varied selections than any collection of originals can offer, to place the visitor at once in a position to contemplate Egyptian art, and to judge the individual parts from the connection of the whole.

As I do not aspire to make a guide-book of this dispatch, it is enough to say that the happy ideas of Professor Lepsius have been well carried out in the decoration of the Egyptian rooms. The rooms of other collections, also, have been decorated with appropriate paintings, illustrative of the contents of the room and of the people with whose history they are connected.

The collection of casts from the antique, though not, indeed, peculiar to Berlin,\* has been carried here to a point little short of perfection. It contains some 1,400 plaster casts, giving all there is most famous in the different galleries of Europe. No historic school of art is unrepresented. The lions and bulls and low reliefs of Nineveh; the placid faces of the Rameses and Thothmes of the Nile; the statues and friezes from the Parthenon; the classic treasures of the Vatican and the Louvre; the stat-

\*The collections in the Louvre, in the crystal palace at Sydenham, and in the University of Bonn, are said to rank next in importance.

ues on the tombs of the Medici, the best mortuary monuments of the middle ages; in fine, the first representatives of every class of art in sculpture have been carefully reproduced in plaster through molds taken from the originals. They are daily open to public inspection and study, in well-lighted, well-ventilated rooms, where, arranged in schools, they are placed in charge of a scholar competent to answer the questions of inquiring students. Here, too, at hours which do not interfere with the use of the museum by the general public, professors take their classes and teach the principles of art from the higher sources.

The same may be said of the other collections. The picture-gallery contains few pictures of great note; but as a place for teaching the history of art and the development of the different styles, it has few superiors. The coins and gems are arranged for educational use. Selected choice specimens, of different epochs and countries, are exposed in cases. Students who wish to go further have access to the remainder, through the attendants. In some fields of classic art an attempt has been made to imitate the plan which has succeeded so well with the statues. Paintings from Pompeii or the tombs of Rome cannot be had. Competent artists have therefore been employed to copy selected subjects from these sources. Thus the Berlin artist and workman find in the museum what will give them adequate ideas of the Roman use of color and form in decoration.

The department of casts contains the original molds from which the casts were obtained. From these molds the museum makes copies for persons whose orders come through proper channels, and generously sells them at cost price. Some idea of what this is may be gathered from a few items. The Horse-Tamer of Phidias, 5.56 meters in height, costs 6,000 marks (\$1,429.20); the Farnese Bull, with all the figures, 3.63 by 2.98 meters, 3,600 marks (\$857.52); the Capitoline Venus, 105 marks (\$25.02); the Florence Niobe with one of the daughters, 135 marks (\$32.17); the beautiful bronze Praying Boy in the Berlin Museum, 90 marks (\$21.44); the bust of Julius Cæsar, also in Berlin, 7.50 marks (\$1.79); two lions from the portal of Mycene, 450 marks (\$107.19); Horse's Head from the Parthenon, 24 marks (\$5.71). These prices include finishing the seams and the immersion of the cast in a solution of resin.

In a separate building, quite remote from those I have been describing, is the Gewerbe Museum, a large and quite interesting collection of objects like porcelain, majolica, glass, furniture, carpets, &c., showing the application of art to the purposes of daily life. In spirit, this collection is part of the Royal Museum, but it has a different organization. Practically, it has been found of decided value in the rich suggestions which it offers to skilled workmen.

Without entering upon the tempting fields which this subject offers, I content myself with the single point which has been presented. The history of this institution shows that the nation which comes the latest into the field can, at a comparatively moderate cost, gather collections of objects of art and historic interest which may rival older institutions as practical educators in taste and artistic execution. The collections of pictures, whose purchases laid the foundation of the Berlin Gallery, are not the last that will be brought to the hammer by reverses of fortune. The analogous process of tracing may give form and drawing in painting, as the mold has given them in sculpture. The skilled artist who can clothe them with color and fill them with soul has not ceased to exist. The same process which has given Berlin her casts from the antique, can give the like to us. Collections of gems and antiquities are still

from time to time coming into the market, and the great treasures which have found their way to national ownership can still be copied in plaster for the student's use. Lastly, in America we may hope that, even more than in Europe, private citizens will be disposed to deposit with the government for perpetual protection what they regard as their choicest treasures in art, when the government has once provided a receptacle for the purpose.

In the hope of making an humble contribution toward the establishment of such a national institution for our whole united country, I have written this dispatch; and, sir,

I have, &c.,

J. C. BANCROFT DAVIS.

No. 116.

*Mr. Davis to Mr. Evarts.*

No. 703.]

LEGATION OF THE UNITED STATES,  
*Berlin, June 30, 1877. (Received July 19.)*

SIR: For the better observation of the operation of the naturalization treaties in Germany, I have at the close of each year during my charge of this mission transmitted to the Department a summary of the questions relating to citizenship which have arisen in the correspondence of the legation during the year. I now make a similar report for the year ending this day. I must, however, beg you to remember that, with few unimportant exceptions, this summary does not include the personal applications which are daily made in numbers at the legation for advice in cases which are frequently quite perplexing.

SUMMARY.

1. *Alber, John George*, November 5, 1876, wrote the legation a statement of his case; said that he "left Germany in order to avoid military duty," and asked whether he could remain here and be protected. The legation sent him a copy of the usual circular in German and English. On the 8th he telegraphed that he had received no answer to his letter and was "greatly agitated." The legation telegraphed that an answer had been sent. Since then nothing has been heard from him.

2. *Baab, Andreas Friedrich*, emigrated to America, resided there five years, was naturalized, and then resumed his residence in Germany. When he had resided here nearly two years he was notified that he must leave Germany at the expiration of the two years or enter the army. He appealed to the legation, but could give no good reason for its intervention. He then went to the United States. After remaining there a few weeks he reappeared at his father's home in Germany, and was at once put into the army by the German authorities. He asked the legation to intervene to secure his release, with permission to return to America, on the ground that in what he had done he had obeyed the directions of an old and infirm father, who had now regretted what he had counseled, and wished his son to return to America. The legation did make the desired representations, and the German Government refused the release on the ground that the young man's statements were not correct.

3. *Bachrach, David A.*, was ordered in 1866 to appear for enlistment. Instead thereof he went to America and was naturalized. Wished to know if he could safely return to Germany. The legation replied that he appeared to have committed a military offense, and it could not answer his question.

4. *Bassiet, Philipp*: June 26, 1877, the landrath from Thorn transmitted the citizen paper and passport of Bassiet, and inquired whether they were genuine. The legation replied that the passport was genuine, and that it had no doubt of the authenticity of the other paper, but could not certify to it officially. It appeared from the inclosures that it was a question whether Bassiet should be put in the army.

5. *Bassne, Philip*, October 22, 1876, wished to know if his discharge from the Army of the United States would serve him as a passport. The legation replied that it would

not, and sent him the customary form of application. Since then nothing has been heard from him.

6. *Benque, Franz W.*, was born in the United States, of German parents naturalized there as citizens. In 1862 they returned to Germany, bringing the infant child with them. He has since resided here with them. He applies for a passport to be issued January 1, 1878, to enable him to return to America. The legation answers that no passport is necessary for that purpose; but that if, when the time comes, he still desires a passport, and makes application for it, the application will be considered.

7. *Bens, John F.*, was born in Germany in 1820, emigrated in 1847, and was naturalized in 1852. In 1858, while in the United States, he was fined 100 thalers for non-performance of military duty in 1849. Levy was made in 1875 upon an inheritance coming to him. The legation intervened for him at the foreign office, and secured the release of his property.

8. *Bettmann, Otto*, wrote to the legation November 25, 1876, that he objected to the two years' residence provision of the treaties, and he wished to know whether, should he leave Germany for a short time and then return, they would be defeated. The legation in reply sent him the customary circular.

9. *Bischoff, Henry*, inquired, October 2, 1876, as to the status of a German naturalized in the United States, who goes into business in Germany and remains here over two years. The usual circular was sent him.

10. *Blesch, John Charles*, the son of German parents, naturalized in the United States; was born in New York in 1851; his father died in New York in 1854; he returned to Germany with his mother in 1859, and resided with her here during his minority. His mother made application for a passport for him, and subsequently he applied himself. It appears from a voluminous correspondence that neither his mother nor he has at any time had the intention of returning to America. On the authority of the Steinkauler case the passport was refused.

11. *Borrenkott, Aloys F. H.*: His brother, Heinrich, transmitted Aloys' certificate of naturalization, and stated that proceedings had been taken against him for emigration without permission, after enrollment, and asked the legation to intervene, in order to enable the brother to return to Germany. The legation answered that until steps should be taken to enforce the judgment, there was no ground for its intervention.

12. *Böttger, John*: The usual case of a fine for non-performance of military duty, imposed upon a German during his absence in the United States. After some correspondence it came out that no proceedings had been taken to enforce the fine. The legation sent copies of the treaties and requested Mr. Böttger to communicate with it further should it be necessary.

13. *Breslauer, Julius*, inquired personally as to going into business in his own name in Germany. Was asked if he intended to return to the United States, and answered, "I guess not." The circumstances of his naturalization, as detailed by him, his general appearance, and his answers to the questions put to him, led to the conclusion that it was best to give him no advice.

14. *Cahn, Jacob*, was naturalized in the United States and returned here in May, 1875. The authorities notified him that if he did not go back to America within the two years he would be put in the army. The legation sent him a copy of the usual circular.

15. *Croner, Jacob*, emigrated to the United States when fourteen years old; resided there twelve years, and was naturalized there; wished to know whether he could go into business in his native country and continue to reside here; was uncertain whether he should go back to the United States. The legation referred him to the treaty and gave him a copy of the usual circular.

16. *Eberle, Julius*, had been naturalized in America. June 26, 1877, he wrote the legation that he had resided in Germany two years and wished permission to stay a year longer. The legation sent the usual circular in reply.

17. *Essen, Arnold C.*, April 26, 1876, applied in person for a passport; made oath that he was born at East New York, and proved his identity by an American known to the legation. A passport was issued. Subsequently, while traveling on a German railway, he used, in the presence of the police, expressions which caused his arrest on a charge of slandering a member of the royal family. He was convicted and took an appeal. Pending the appeal, he asked, through the consul at Bremen, that the legation would intervene for him. Answer was made that while the case was pending judicially in the courts the legation could not intervene; but, should judgment go against him, it appeared on the statement to be a proper case for the legation to ask the royal clemency in his behalf. The judgment below being confirmed, Mr. Essen sent a sworn statement to the legation, in which it appeared that he was born in Germany, and went to the United States when he was thirteen years of age. The legation declined to intervene, and demanded the return of the passport, which had been issued on an affidavit that turned out to be false. The passport was surrendered.

18. *Ficken*, ———: The consul at Bremen informed the legation that the father of young Ficken had formerly been in business in America, and had been naturalized



there, but many years ago had returned to Bremen, and had purchased an estate in its neighborhood, and resided there until his death, with all his family (including young Ficken, who was born in the United States), making occasional trips to America, so that he had not, at any one time, been two years in Germany without going to America. The father had left a considerable estate, and the son was deterred from qualifying as executor by fear that he would be subjected to military duty. The consul asked the advice of the legation. The legation declined to give advice, and counseled the consul to do the same, since, should a question hereafter be raised about the status of young Ficken, it might become necessary to pass upon the case officially.

19. *Finkenstein, Julius*: The usual case of emigration and naturalization, fine for non-performance of military duty during absence in America, and attempt to collect the fine on return to Germany. The legation intervened with the foreign office and the fine was remitted.

20. *Flotow, Philip*, August 6, 1876, wrote the legation that he had been naturalized in America, and had been fined 50 thalers for non-performance of military duty. The legation sent him the usual blanks for stating his case, since which nothing has been heard from him.

21. *Friedlander, M.*, March 28, 1877: had been naturalized in the United States. Wished to know if he could safely remain in Germany. Sent him the usual circular.

22. *Getzkow, Gustav*, in November, 1876, informed the legation that he emigrated after performance of military duty here, and was naturalized in America. He had been fined for unauthorized emigration. By return mail the legation sent the usual blank forms, since which nothing has been heard of the case.

23. *Groeninger, Leopold*, November 14, 1876, wrote the legation that he had been naturalized in America, and that during his absence a fine of 300 marks for non-fulfillment of military duty had been collected out of his property. The legation answered that if he were an American citizen at the time of collection of the money it would be refunded, and sent him the usual blanks for the preparation of a statement. Since then nothing has been heard of the case.

24. *Heidt, Joseph*, a native of Hanover, emigrated to the United States when seventeen years of age, resided there five years, was naturalized, returned to his old home-stead, and in a few months was ordered to report for military duty or leave Germany within eight days. The legation interposed at the foreign office, and on the first of June was informed that the measures taken for Heidt's enrollment had been desisted from, and those for his expulsion withdrawn.

25. *Herz, Julius*, April 17, 1877, informed the legation that he had been fined 150 marks, and if found fit for service would be enrolled, and was told that he must leave Germany if he did not wish to relinquish his American citizenship. He said his health did not permit him to do so. The legation replied that his statements were too vague, and sent him the customary circulars and blanks.

26. *Hirsch, Marcus*, applied for a passport, and sent as part evidence of his citizenship an old passport which had expired by its own limitation. Being a naturalized citizen residing in his native country, he was asked whether he intended to return to the United States, and declined to say. The case being referred to the Department, the legation was instructed not to issue a passport, and to retain the old passport, but to return the citizen paper.

27. *Isaacs, Z. S.*, June 12, 1877, said that he desired to go into business in Germany, and wished to know if he could do so. The legation replied that it was not authorized to pass upon such questions, and that he had better consult a local lawyer.

28. *Jacobson, Diedrich*, stated under oath at the legation that he was a native of Germany; that he arrived in the United States by the steamer Minnesota between the 5th and 12th of December, 1871; that he was naturalized October 3, 1876, and that he returned to Germany November 3, 1876. He now resides in Germany and has no purpose of going back to the United States. The legation took charge of his certificate and passport and reported the case to the Department. The course of the legation was approved.

29. *Johns, Otto*: In August and September, 1876, a correspondence took place with the consul at Mannheim, from which it appeared that Mr. Johns was born in Germany, went to the United States, became naturalized there, and returned to Germany eighteen years ago, bringing with him his two minor sons born in the United States, and that he had no intention of ever returning to the United States. He wished to know whether his sons were liable to military service, and whether such service would affect their nationality. In June of the present year he made application for a passport, stating that he left America thirteen years ago, and that he intends to return to America in six years. The legation reported the case for instructions.

30. *Joung, John*, January 8, 1877, informed the legation that he had lost his citizen paper, and was threatened with early imprisonment if he did not produce it. The legation immediately asked the foreign office to suspend proceedings against him until he could procure duplicates from America. On the 12th of January he informed the legation that he had received the duplicates, and apologized for his trouble.

31. *Kahrmann, Ludwig*, September 23, 1876, asked the status of naturalized Americans returned to Germany. By return mail the legation sent him a copy of the treaty. On the 10th of October, and again on the 14th, he was at the legation in person, and said that he was threatened with imprisonment for evasion of military duty. He received copies of the necessary papers to enable him to conduct his own case without resort to political intervention. It is presumed that he was successful.

32. *Kauter, Barthold*, October 27, 1876, inquired personally as to his rights and duties as a naturalized American citizen. He received in reply a copy of the usual circular.

33. *Kasper, E. O.*, June 15, 1877, made similar inquiries to those made by Mr. Kauter, and was answered in the same way.

34. *Kaufmann, Adolf*, April 12, 1877, informed the legation that he and his brother had been naturalized in America, and wished to know whether they could remain here permanently without being put into the army at the end of two years. The legation sent him the usual circular.

35. *Kloss, E. F.*, a native of Prussia; emigrated to the United States, arriving there November 11, 1870; was naturalized November 1, 1875, after a residence of less than five years. Returning to Prussia in 1876, he was fined for emigration without permission, and, after paying the fine, sought the intervention of the legation. Under the circumstances, the legation declined to intervene, retained the evidence of citizenship, and reported the case to the Department. Its action was approved.

36. *Koerner, F. W.*, October 30, 1876, wrote the legation from America, asking whether a naturalized citizen could return to Germany. The legation sent a copy of the treaty.

37. *Koch, Albert*, June 21, 1877, wrote the legation, stating that his father, a native of Luxemburg, naturalized in the United States, had settled in Germany six years ago, bringing with him the writer, a native of the United States. The writer was twenty-two years of age, and desired to go into business in Germany, but feared that he would be summoned to do military duty. The legation replied that until he should be summoned no case would arise for its action. In case of being summoned, he should notify the legation at once.

38. *Kriegel, Gustav*, born in Prussia; emigrated to the United States in 1870, when fifteen and a half years old; returned to Prussia in 1874; re-emigrated the same year, with a German passport authorizing him to go abroad temporarily, subject to a liability to return to perform military duty; was naturalized October 19, 1876; at once came back to Germany, and was ordered to be enrolled. It appeared that the authorities maintained that he had never resided five years uninterruptedly in the United States, as required by the treaty. The case was referred to the Department, and the legation was instructed to take no steps in it.

39. *Kroemer, Mrs. C. W.*, and her husband were natives of Württemberg. They were married in the United States, and their children were all born there. The husband died there, and the widow resumed her residence in her native country, with her minor children, in 1865. She preserved no domicile in America, and paid no taxes there, although she had property and paid taxes in Württemberg. She applied, through the consul at Stuttgart, for a passport for herself and children. She said to the consul that she should at some time return to America for the benefit of her children. The consul expressed the opinion that she did not intend to return to America, and that the application was made because the military authorities contemplated putting her son in the army. The legation declined to issue the passport, and said that should proceedings be taken against the young man the case could be reported to the legation.

40. *Kuhnt, Gottlieb*, had been naturalized in the United States, and had now resided in Germany two years. He wished a new passport to enable him to reside here two more. The application was informal and nothing was done about it.

41. *Jean, ———*: Her son was in America, where he had declared his intention to become a citizen of the United States. In his absence he had been fined for non-performance of military duty. She asked the intervention of the legation. Answer was made that nothing could be done, as her son was not an American citizen.

42. *Lang, Henry Albert*: His father was in America and was said to have been naturalized. The son applied for a passport, but presented no evidence of the father's naturalization, or of his own residence at any time in America. The passport was refused.

43. *Lelmann, E.*, said that he was a naturalized citizen of the United States who had lived there fourteen years, and was now domiciled in Germany. Wished to know about his rights. After some correspondence the legation was able to advise him not to borrow trouble, but should it come, to apply to the legation.

44. *Levenson, Louis*, Prussian by birth, was naturalized in America in 1855, had returned to Prussia and resumed his old nationality by formal act. His son, born in America, was approaching military age. He wished advice. The legation declined to give it.

45. *Levinsohn, Charles*, represented that he emigrated to America in April, 1870, and was naturalized in May, 1875. He wished to surrender a Department passport and obtain a legation one in lieu of it. He said he did not intend to return to the United

States. The legation, therefore, declined to issue a passport. Some suspicious circumstances induced an inquiry into the time of his emigration. It turned out that he left Germany in June, 1870, and that his alleged naturalization was fraudulent. The legation, therefore, secured the surrender of his Department passport and also of his certificate of naturalization.

46. *Lichtenfels, Karl F. and Wilhelm, jr.*: Their father emigrated many years ago to the United States, and was naturalized there. The sons were both born there. In 1856 the father returned with his sons to his native land, and they have since continuously resided there together. About two years since a passport was issued to Wilhelm, in ignorance of these facts. They were disclosed on Karl's application for a passport. The legation refused a passport to Karl and secured the return of Wilhelm's passport, and informed the young men that should military service be claimed from them, and should they desire to return to the United States, they must give notice of it.

47. *Lien, B.*, applied informally for a passport, in order to sojourn with his parents without reverting to Prussian nationality. The legation informed him of the treaty, and how to apply for a passport. Nothing has since been heard from him.

48. *Lind, George*, appeared before the consul at Sonneberg, and told him that he was born in April, 1849, that he went to the United States in 1868, and was naturalized in Boston in 1875. He wanted a passport. Subsequently it appeared that he did not emigrate till 1872, that he resided in the United States only three years before naturalization, and that he was fraudulently naturalized for the purpose of voting. The passport was refused, and the facts were reported to the Department.

49. *Losch, Charles F.*: The minor son of a deceased German said to have been naturalized in America. The young man's guardian inquired about the liability to do military duty, and was told that should a case arise it would be taken into consideration.

50. *Lux, Alphonso*, April 23, 1877, inquired by letter as to what rights he, having been naturalized in America, had in Alsace. The answer of the legation called for his citizen-paper and more detailed statements respecting his emigration and return, to which no response has been made.

51. *Mallon, Ernst*, April 2, 1877, wrote that he had been naturalized in America, that he had returned here on a visit and wished to remain two years, but had been ordered before the military authorities. He asked protection. Copies of the usual circular and papers were sent to him. Nothing further having been heard from him, it is supposed that he has secured his exemption.

52. *Mammelsdorf, Edward*, emigrated to America in 1867; resided there five and a half years; was naturalized; resumed his residence in his native country in 1872, and has since resided there. In August, 1875, he received a passport from the legation. In April, 1877, he applied for a new passport, on the ground that he had lost the old one. The legation decided that the facts tended to raise a presumption that Mammelsdorf sought naturalization in order to avoid military duty here, but that it would not consider the application until the expiration of two years from the issue of the old passport. The decision was reported to the Department, and sustained.

53. *Mayer, Henry*, applied as a naturalized citizen for a passport. Being required to produce a certificate of naturalization, the application was withdrawn.

54. *Mély, Auguste*, born at Lutzelbourg, in Lorraine, in 1836; went to the United States in 1852; was naturalized in 1858; returned to Lutzelbourg in 1861, bringing with him his young son born in the United States, and has since resided there continuously with him. In the course of the German-Franco war his property suffered some damage, for which compensation was awarded and paid him. Subsequently he was compelled to refund the amount awarded for damages sustained by his personal property. This was done because he set up American citizenship against a claim to the military services of his son, and it was alleged that the United States in similar cases did not make restitution. In the early part of the present year Mr. Mély wrote the legation that the German authorities sought to compel his son to perform military duty on the ground that the long residence of the father in his native place had worked a renunciation of his naturalization, and he asked the intervention of the legation. The case was reported to the Department and the legation was instructed to do nothing.

55. *Mendelsohn, Leopold*, September 21, 1876, called in person to inquire about the status in Germany of a native-born German naturalized in the United States. Gave the usual circular.

56. *Mertens, George*, wrote from America that he had been naturalized, and wished to visit his family, and wanted to know what his status would be in Germany. He was advised to apply to the Department for a copy of the treaty.

57. *Meyer, Hans*, October 20, 1876, wrote that he had been naturalized in the United States, and asked if he could safely visit Germany. Sent him the usual circular.

58. *Mitsche, Curt E.*, October 10, 1876. Similar inquiries to the last case. The legation sent a copy of the treaty in reply.

59. *Müller, Robert*: The usual case of emigration, naturalization, return to Germany, attempt to collect a fine for non-performance of military duty, intervention of the legation at the foreign office, and remission of the fine.

60. *Mysing, Frederick*, March 2, 1877, inquired as to status in Germany of the children of naturalized Americans of German origin, and desired to have the birth of his children registered in the legation. The usual circular was sent to him, and he was told that the law makes no provision for registering births of children of Americans born in Germany.

61. *Neumann, F.*: His son went to America in 1872, and will wish to return after he is naturalized. He wishes to know what rights his son will have under the treaty. The legation answered that as he and his son were both Germans, the inquiry should be addressed to the German authorities.

62. *Obermayer, Benjamin*, a native of Bavaria, naturalized in the United States, and for some time past has been residing in Bavaria. He applied for a passport, and on being asked if he intended to return to the United States, refused to answer the question. The passport was refused and the case reported.

63. *Oldsen, John D.*: The usual case of emigration, naturalization, return to Germany, and the attempt to enforce a fine for the non-performance of military duty. The legation interposed at the foreign office, and the fine and costs were remitted.

64. *Oppenheimer, Zacharias*, wrote several letters to the legation giving it to understand that he had been naturalized in the United States and had resumed his residence in Germany with a purpose of remaining here. He inquired each time which of the naturalization treaties applied to his case. The legation each time answered that it could not consider his case in advance of hostile action by the German authorities; and was at last obliged to decline further correspondence till cause for official action should arise.

65. *Peter, Frederick*, December 1, 1876, asked as to his liability to military duty, and was told that the legation would consider the case when steps should be taken to compel him to perform it.

66. *Salamon, Louis*, January 13, 1877, inquired as to the provisions of the treaty. The legation sent him the usual circular.

67. *Salamoncke, Walde*, January 16, 1877, called in person and exhibited a certificate of naturalization dated October 9, 1868, and a passport from the Department of State, issued in 1875, and applied for a new passport. His application being made out and sworn to in the usual form, it appeared that he had not resided five years in the United States at the time of his naturalization. On being further questioned on this point, he admitted such to be the case. The legation, therefore, retained his papers, and reported the case to the Department.

68. *Scherler, Oscar*, September 16, 1876, called in person; said that he had been required to report in Berlin for military duty; exhibited his certificate of naturalization. The legation gave a copy of the treaty, and advised him what to do. The next day he called and said that he had followed the directions of the legation and had been discharged.

69. *Schmidt, Philip Heinrich*, a native of Hesse; emigrated, was naturalized under the name of *Henry Schmidt*, and returned and took up his residence in Hesse. He applied for a passport. The consular officer at Mayence was of the opinion that the applicant did not intend to return to the United States. The legation declined to issue the passport and reported the case.

70. *Schuelten, C. J. W.*: His mother inquired as to the son's nationality, the father having been a naturalized citizen of the United States, who died in Germany. The legation answered that it could give no certificate of nationality other than a passport, and that when the question should arise it would be duly considered.

71. *Schulz, Hermann*, applied through the consular agency at Breslau for a passport. It appearing that he was a native of Germany, who had been naturalized in the United States, and had resumed his residence in his native country, the legation inquired as to his purpose to return to the United States. No answer has been received.

72. *Schwerdfeger, Karl*, March 6, 1877, inquired whether his brother who had emigrated to America when twenty-one years of age with a false passport after having been entered for the reserve service, and who had been naturalized in America, could safely return to Germany, and whether he must pay a fine for which an attachment had been laid. The legation did not think itself competent to answer these questions.

73. *Sickel, Joseph*, inquired respecting the rights of Americans of German birth returning to Germany. Sent him a copy of the treaty.

74. *Scola, John*, a native of Hesse, born in 1850, obtained a discharge from nationality and emigrated in his seventeenth year; was naturalized November 14, 1873; at once returned and resumed his residence in Hesse; August 22, 1876, was ordered to return to the United States or report for military duty. He invoked the intervention of the legation, which was refused, there being no good reason for taking his case out of the operation of the treaty.

75. *Stahl, John*, a native of Prussia. His case in every respect is similar to the last one, and the same course was pursued by the legation.

76. *Stahlmann, Philip*: He complained shortly after his return to Germany that his certificate of naturalization had been taken from him by the authorities and he had

been ordered to report for duty. The legation presented the case to the foreign office May 9, 1877, and on the 22d it was informed that after Stahlmann had proved the acquisition of American citizenship, and a residence of five years in the United States, he was at once dispensed from appearing for enrollment and his papers were returned.

77. *Stock, Anton*, complained that a fine had been imposed upon him for non-performance of military duty. The legation asked for evidence of citizenship and a detailed statement, and inclosed a blank for the latter purpose. Nothing more heard from him.

78. *Theodor, Ernst*, January 12, 1877, appeared at the legation, exhibited his certificate of naturalization, and said he had recently returned to Germany and desired to go into business here, and wished to know how long he could remain without molestation. Before emigrating he had been twice summoned for duty and put back. He was uncertain when he should return to America, or whether he should return at all. A copy of the treaty was given to him, and he was told that should he be interfered with he must address the legation and his case would then be considered.

79. *Tiefenthal, Salomon*, inquired by letter as to the status of a German naturalized in America and returning here to reside. Sent him the usual circular.

80. *Unknown*: The consular agent at Düsseldorf reported the following case: A German artist residing at Düsseldorf is seeking to become a naturalized citizen of the United States with a view to pass his paintings free of duty, and for this purpose has visited the United States several times, always returning to his domicile in Germany. The consul was informed that he had succeeded in obtaining a passport, and asked whether he should certify his paintings as the work of an American artist. He was advised to report the case to the Department for instructions.

81. *Villinger, Gottlieb*, arrived in the lower bay of New York on the evening of the 2d September, 1869; landed on the morning of the 3d; was naturalized September 2, 1874; returned to Germany September 4, 1874; went into business in his native country, and is still so employed there. He applied for a passport through the consulate at Stuttgart. The consul said he thought Villinger did not intend to go back to the United States. The passport was refused, and, on appeal, the decision was sustained.

82. *Wallner, Alexander*: Born in St. Petersburg of German parents; served as a one-year's volunteer during the war with France; emigrated in 1871 and was naturalized; resided in the United States five years and six days; returning to Germany was summoned before the military authorities. He came in person to the legation and was advised what course to pursue. Since then, nothing having been heard from him, it is supposed the case has been settled.

83. *Weiler, John*, wrote that he had been naturalized in America, and had resided over two years in Germany. He wished to know if he must pay taxes and have soldiers quartered on him, and if he could vote in Germany. The legation replied that it could not answer his questions, but that if he were a citizen of the United States he would have a right to vote on being domiciled in America.

84. *Will, Philip*: January 24, 1877, his brother wrote that an attachment had been put on Philip's property in Germany to satisfy a fine for non-performance of military duty, and that Philip was in America and had become an American citizen. The legation advised that proof of Philip's naturalization should be taken in America and transmitted through the Department of State. This was done, and the legation, under instructions, addressed the foreign office respecting the case.

85. *Wolff, Bernard*, inquired from America as to his right to return to Bavaria, and whether the King would pardon him for a military offense. The legation sent him a copy of the treaty, and said that it could not say whether the King would pardon him.

86. *Zengler, Philip*, December 13, 1876, inquired whether the treaties affected the status of a deserter from the army. The usual circular was sent to him, and he was informed that the treaty was not supposed to be applicable to deserters, but that, should an overt act be committed against him, he could report his case for the consideration of the legation.

The foregoing summary shows that during the year eleven applications for passports have been refused on the ground of want of proof of citizenship. During the same period one hundred and forty-two passports have been issued, of which one hundred and two were granted to native-born citizens and forty to naturalized citizens. Fifteen of the forty were accompanied by their wives, and thirteen of them were also accompanied by minor children. There were thirty-seven minor children in all, of whom twenty-six were born in America and eleven in Germany. Of the naturalized citizens six had resided in the United States between five and six years, six had resided there between six and seven years, two had resided there between seven and eight years, two had resided there

between eight and nine years, three had resided there between nine and ten years, and twenty-one had resided there more than ten years.

Since their return to Germany thirteen had resided here less than one year, three had resided here more than one and less than two years, eight had resided here more than two and less than three years, four had resided here more than three and less than four years, three had resided here more than four and less than five years, seven had resided here more than five years and less than ten years, and two had resided here more than ten years.

I have, &c.,

J. U. BANCROFT DAVIS.

[Inclosure.—Translation.]

*Circular with information for returned emigrants.*

LEGATION OF THE UNITED STATES OF AMERICA,  
Berlin, ———, 187—.

To \_\_\_\_\_,  
\_\_\_\_\_.

The naturalization treaties between the United States and the German states contain provisions that if a German naturalized in America renews his residence in his native country, without the intent to return to America, he shall be held to have renounced his naturalization in the United States; and that the *intent not to return may be held to exist when the person so naturalized resides more than two years in Germany.*

But, while it is the general rule that if the fixed intent not to return to America exists, the American naturalization of a German who takes up his residence in Germany is thereby renounced, each particular case is decided on its own merits, and according to its own facts, and cannot be determined in advance of its actual occurrence. The legation of the United States does not regard a continued residence in Germany for more than two years after naturalization as necessarily showing an intent not to return to the United States. But the German Government has, in some instances which have come to the knowledge of the legation, notified returned emigrants to leave Germany at the expiration of the two years, and has asserted the right, should they remain after that time, to regard them as having renounced their naturalization. If, therefore, Mr. \_\_\_\_\_ desires to know the view which the German Government will take of the case submitted in his letter, he must apply to its officers. This legation will pass upon the case, should it become necessary to do so in consequence of hostile action on the part of the German authorities.

No. 117.

*Mr. Davis to Mr. Evarts.*

No. 704.]

LEGATION OF THE UNITED STATES,  
Berlin, June 30, 1877. (Received July 19)

SIR: I take the liberty once more to suggest, for the consideration of the Department, the propriety of certain amendments in our naturalization laws, in the interest of the naturalized citizen. Three years' experience here, preceded by four years' experience in the Department of State, have convinced me that the changes which I am about to indicate are much to be desired.

A native-born German who returns to Germany after being naturalized in America generally brings with him two documents as muniments of his personal safety. The first is a copy of the record of his naturalization, sometimes called a certificate of naturalization, and sometimes shortened into "citizen-paper." The second is a passport from the Department of State.

To a young man whose age is within the limits prescribed for military service, the first of these papers is much the more important of the two. In all military cases the German authorities appear to desire to scrutinize the record of the citizenship. Unfortunately frauds, which in several cases have come to the cognizance of this legation, justify the wish. During the past year, for instance, fifty applications have been made here for passports for naturalized citizens. On investigation it turned out that in six of the cases the naturalization had been obtained by fraud. In five of the six there had not been a full five years' residence in the United States before naturalization, and none of the applicants had served as soldiers or seamen, so as to make special provisions of law applicable to them. In the sixth case, the applicant in the course of the five years which he pretended to have passed in America had resided for some time in Germany.

It is, of course, not to be imagined that the proportion of fraudulent to honest naturalizations is by any means as large as 12 per cent. of the whole; but it must be conceded that the mere fact that so large a proportion has happened to show itself here in a single year justifies the inquiries which are always made in military cases.

It is, therefore, plainly in the interest of the young emigrant, who must chiefly rely upon these official copies of records for protection against military conscription, that they should be uniform, intelligible, and as little subject to question as possible. Yet the reverse is the case. So far from being uniform, they range from the loose record of the court of common pleas in the city of New York, of which a copy is inclosed, to the nearly perfect form of the municipal court in Milwaukee, also inclosed. So far from being intelligible, the New York form furnishes no information to one desiring to investigate an alleged naturalization. So far from being unquestionable, so loose a record provokes an antagonistic inquiry, since it spreads on the record no link in the chain of necessary proceedings prior to the final adjudication of the court.

In practice I have found it necessary, in submitting a case to this government, to supply the missing links. I inclose a copy of the blank which is usually sent to a person who asks our aid in securing the remission of a military fine, in order that he may fill it up and return it for transmission to the foreign office. Similar inquiries are made in other military cases. If these questions are properly answered, the military authorities receive simultaneously with the legation's application all the material necessary for the decision of the case.

A very little legislation on the part of Congress would greatly improve the condition of the returned emigrant in Germany, without throwing the slightest obstacle in the way of naturalization. It would also make the discovery of fraud easy, and probably would therefore tend to diminish the amount of its commission.

I. The emigrant's place of residence in the old country, his age, the date and port of departure, and the name of the vessel on which he emigrated, may easily be put in the record on the oath of the applicant; or, should he have forgotten the name of the vessel, that fact might be stated. So long as he is permitted to prove these points by his own testimony, there can be no hardship in requiring them to be spread upon the record.

II. If the naturalization takes place under the provisions of section 2167 of the Revised Statutes, the fact should appear in the record.

III. If it takes place under the provisions of section 2165, the record should show the date of the declaration of intention, and the court before which it was made.

All these improvements could be enforced by means of a statute prescribing the form or forms for the record in all cases and in all courts.

IV. The repeal of sections 2166 and 2174 of the Revised Statutes would remove from the system an irregularity inconsistent with the treaties of naturalization. The treaties, without exception, recognize expatriation as complete after naturalization and a five years' residence uninterruptedly in the United States. Section 2166 of the Revised Statutes provides for the naturalization, after a year's residence in the United States, of a soldier honorably discharged from the Army of the United States. The cause for this exception from the general rule has now happily gone by, and there would seem to be no good reason for retaining the provision. As to section 2174, which relates to the naturalization of seamen, I respectfully submit that the advantages gained by the mercantile marine of the United States through its provisions do not compensate for breaking what would otherwise be a uniform rule in the naturalization laws and treaties of the United States.

V. If a provision can be devised by means of which the Secretary of State can furnish authenticated copies of a record of naturalization ("citizen-paper"), it will be a great benefit to the emigrant. A minister abroad is sometimes asked to authenticate such documents, and is unable to do so for want of official knowledge of the seals of the different courts of record throughout the country. Perhaps it is impracticable to provide by law for the deposit in the Department of State of copies of all records of naturalization. If it were practicable, the emigrant returning to his native land would have a "citizen-paper" under the national seal, of more value to him than one under the seal of an unknown State court.

I have ventured to make these suggestions in the assured confidence that no attempt to point out ways for better protecting an American citizen abroad or for insuring American citizenship against fraud at home will be deemed too humble for your consideration; and, sir,

I have, &c.,

J. C. BANCROFT DAVIS.

[Inclosure 1 in No. 704.]

*Form of the naturalization certificate usually issued in the city of New York.*

UNITED STATES OF AMERICA,

*State of New York, City and County of New York :*

Be it remembered, that on the — day of — in the year of our Lord one thousand eight hundred and seventy —, A — B — appeared in the court of common pleas for the city and county of New York (the said court being a court of record having common-law jurisdiction and a clerk and seal), and applied to the said court to be admitted to become a citizen of the United States of America, pursuant to the directions of the several acts of Congress of the United States of America. And the said applicant having thereupon produced to the court such proof and having made such declaration and renunciation, and having taken such oaths as are by the said acts required, it was ordered by the said court that the said applicant be admitted to become a citizen of the United States of America, and he was thereupon admitted accordingly.

In testimony whereof the seal of the said court is hereto affixed this — day of —, 187—, in the — year of the Independence of the United States of America.

By the court.

{ L. S. Court of }  
{ common pleas. }

(Signed)

NATH'L JARVIS, JR.,  
Clerk.



[Inclosure 2 in No. 704.]

*Form of the naturalization certificate issued by the municipal court of Milwaukee.*

## CERTIFICATE OF NATURALIZATION.

Be it remembered, that at the municipal court held at Milwaukee, for the county of Milwaukee, in the State of Wisconsin, in the United States of America, on the \_\_\_ day of \_\_\_, in the year of our Lord one thousand eight hundred and seventy \_\_\_, A — B —, a native of \_\_\_, exhibited a petition praying to be admitted to become a citizen of the United States, and it appearing to the said court that he had declared on oath before the \_\_\_ court for the county of \_\_\_, of the State of \_\_\_, on the \_\_\_ day of \_\_\_, A. D. 18—, that it was *bona fide* his intention to become a citizen of the United States, and to renounce forever all allegiance and fidelity to any foreign prince, potentate, state, or sovereignty whatsoever, and particularly to the \_\_\_ of \_\_\_, of whom he was at that time a subject, and the said A — B — having on his solemn oath declared, and also made proof thereof by competent testimony of C — D — and E — F —, citizens of the United States, that he had resided one year and upwards in the state of Wisconsin, and within the United States of America upwards of five years immediately preceding his application; and it appearing to the satisfaction of the court that during that time he had behaved as a man of good moral character, attached to the principles of the Constitution of the United States, and well disposed to the good order and happiness of the same, and having on his solemn oath declared before the same court that he would support the Constitution of the United States, and that he did absolutely and entirely renounce and abjure all allegiance and fidelity to every foreign prince, potentate, state, and sovereignty whatsoever, and particularly to \_\_\_ of \_\_\_, of whom he was before a subject:

Thereupon the court admitted the said A — B — to become a citizen of the United States, and ordered all proceedings aforesaid to be recorded by the clerk of the said court, and which was done accordingly.

In witness whereof I have hereunto affixed my hand and the seal of the municipal court at Milwaukee this \_\_\_ day of \_\_\_, in the year one thousand eight hundred and seventy \_\_\_, and of the Independence of the United States of America the hundred and \_\_\_.

(Signed)

CHAS. HOLZHAUER,  
Clerk of the Municipal Court.

{ L. S.  
Municipal court, }  
{ Milwaukee Co. }

[Inclosure 3 in No. 704.]

*Blank used with requests for remission of fine in military cases.*

## MILITARY CASE.—FINE.

Name:  
Place of birth:  
Date of birth:  
Name of the vessel on which he emigrated:  
Date of emigration to United States:  
Date of arrival in the United States:  
Date of declaration of intention:  
Date of naturalization:  
Date of return to Germany:  
Date of sentence of penalty:  
Date of levy of execution:  
Amount of judgment or payment on execution:  
Court rendering judgment:

I, \_\_\_\_\_, a naturalized citizen of the United States of America, who have been condemned to the payment of a fine by the court above named for non-performance of military duty, or for \_\_\_\_\_, do solemnly assert that the above statements contained in the above-written table are true.

\_\_\_\_\_, the \_\_\_ day of \_\_\_, 187—.

## No. 118.

*Mr. Nicholas Fish to Mr. Evarts.*

No. 723 ]

LEGATION OF THE UNITED STATES,  
*Berlin, July 24, 1877. (Received August 9.)*

SIR: Mr. Davis, in presenting me to Mr. von Philipsborn, as chargé d'affaires *ad interim*, had some conversation with him in regard to the working of the treaties of naturalization, of which he has placed a memorandum on file, and of which I inclose a copy. I gathered from their conversation that both of them were well pleased with the manner in which the treaties are now working, and that both of them considered that an extension of the treaty of 22d February, 1868, to the whole empire, would simplify matters. Since that conversation there has been no case arising under the treaty requiring the intervention of the legation. If my observation of the working of the treaties is of any value I can say from practical experience that for the past six years there has been no period at which so few cases calling for the intervention of the legation have arisen. In the past six months, *i. e.*, January 24 to July 24, there have been but four new cases presented to the consideration of the foreign office. Of these, three have been decided in accordance with the request of the legation, while the fourth, a case of fine (Philip Wills's case), is still pending.

In the corresponding periods of the previous years of my connection with the legation the number of new cases presented to the foreign office has been:

1871.	1872.	1873.	1874.	1875.	1876.	1877.
5	5	7	6	13	11	4.

In addition to the falling off in the number of cases calling for diplomatic intervention, there has been a marked diminution in the number of complaints by our naturalized citizens that the local authorities failed to respect their certificates of naturalization.

I gather from the above facts that the local authorities are now better informed as to the rights of our naturalized citizens, and that they have learned, by experience in some cases, that those rights must be respected. I am confident that the present satisfactory working of the treaty is in a large measure due to the determination of the German foreign office to decide in our favor every case where *bona fides* was apparent in the naturalization of the applicant, as mentioned by Mr. Von Bilow to me on the 16th November, 1874. (See Foreign Relations, 1875, vol. 1, page 487.) I take pleasure in saying that, so far as the foreign office has been concerned, I believe that it has in every case acted on the assurance that Mr. Von Bilow then gave me. In so doing it has had to contend with the other departments of the government (and no doubt that contest accounts in a measure for the large number of cases arising in the first six months of 1875, and in 1876); but it appears to have been successful in establishing a more uniform respect for the rights of our citizens under the treaty of 22d February, 1868, than had previously been accorded them by the local authorities.

That the emigrant liable to military duty is looked upon with a jealous eye in a country with so large a standing army is not unnatural; and the reported determination to prevent natives of North Schleswig, who

shall have emigrated to Denmark before completing their seventeenth year for the purpose of avoiding military duty in Prussia, from sojourning in Schleswig-Holstein without permission, shows that Prussia is not yet fully reconciled to free emigration in its broadest sense. The large number of Germans who emigrated in 1871 and 1872 to the United States doubtless added to the inborn jealousy of the local officials, and led to the rigorous enforcement of the treaty in 1875 and 1876, and in many cases appears to have led them to undue zeal in their endeavors. We over here have not yet had time to see how they will treat the emigrants of those years when they return after naturalization and a five years' uninterrupted residence in the United States; but, judging from the cases which are now brought to the notice of the legation, I fully believe that the naturalized American of German birth who has been naturalized in good faith, with a *bona fide* intention of remaining a citizen of the United States, and not merely for the purpose of avoiding military duty in his native country, will have nothing to fear on returning for a visit to his native place. In some cases he may be subjected to delays in procuring a recognition of his rights, but so long as the men who now direct the affairs of Germany remain in power, the ultimate recognition of his rights is sure.

I inclose copies of the memorandum of the conversation between Mr. Davis and Mr. von Philipsborn, and an extract from the *Voss'sche Zeitung* of this morning, concerning the Schleswig emigration to Denmark.

I have, &c.,

NICHOLAS FISH.

[Inclosure 1 in No. 723.]

*Memorandum of an interview with Mr. von Philipsborn, July 1, 1877.*

LEGATION OF THE UNITED STATES,  
Berlin, July 1, 1877.

Mr. Davis presented Mr. Fish to Mr. von Philipsborn at the foreign office as chargé d'affaires *ad interim*; said that he proposed to take a short leave for a few days or weeks, at most, and that Mr. Fish would have charge of the affairs of the legation.

Mr. von Philipsborn asked whether the charge began then and there; Mr. Davis answered yes.

Mr. von Philipsborn spoke of the treaty of naturalization, and of its excellent working, and said that although some persons in Germany had desired to denounce it he did not think there was much in the wish. He did not know how the Government of the United States was disposed about it. Mr. Davis said that, so far as he knew, there was no wish in America to denounce it, but, on the contrary, a desire to extend the treaty with North Germany, so that there should be only that one treaty for the Empire.

[Inclosure 2 in No. 723.—Translation.]

*Extract from the Voss'sche Zeitung, July 24, 1877, concerning the return of emigrants from North Schleswig to Schleswig-Holstein.*

KIEL, July 22 (*Kiel Gazette*).—It has been determined by the government that natives of North Schleswig who shall have emigrated to Denmark before the completion of the seventeenth year of age for the purpose of evading Prussian military service shall not be permitted to sojourn in Schleswig-Holstein, even temporarily, without first having obtained the permission of the government, and that the granting of such permission shall be restricted, taking into consideration the circumstances of each particular case. In cases, however, in which natives of North Schleswig, of the class above mentioned, who shall have emigrated hitherto, shall return to Prussia for a temporary sojourn without having become acquainted with the order of the government just issued, concerning the obtaining of a special permission, such persons shall not be expelled from Prussia simply on the account of a failure to procure such a permission. In such cases the decision of the government concerning the admissibility of the sojourn must be applied for.

## GREAT BRITAIN.

No. 119.

*Mr. Pierrepont to Mr. Fish.*

No. 136.]

LEGATION OF THE UNITED STATES,  
*London, March 6, 1877. (Received March 19.)*

SIR: Referring to your dispatch, No. 102, of the 13th ultimo, I have the honor to say that, on the 28th of February last, I had a formal interview with Lord Derby, and we agreed to send an identic note to the Austrian ambassador, if we could agree upon the terms of the note.

On the 1st of March we again met at the foreign office, and agreed upon the note in the very language of your draught sent in your instructions No. 102. The two identic notes were sent to the Austrian ambassador on that day, and his reply was received by me on the 2d of March instant, a copy of which reply is herewith inclosed. By this you will see that Mr. Delfosse, envoy extraordinary and minister plenipotentiary of His Majesty the King of the Belgians at Washington, has been named as the third commissioner, of which fact I advised you by cable on the 2d instant.

I have, &amp;c.,

EDWARDS PIERREPONT.

[Inclosure.]

*Count Beust to Mr. Pierrepont.*IMPERIAL AND ROYAL AUSTRO-HUNGARIAN EMBASSY,  
*Belgrave Square, March 2, 1877.*

MONSIEUR LE MINISTRE: I have the honor, in reply to your note of 1st of March, to inform your excellency that in conformity with Article XXIII of the treaty of Washington of the 8th of May, 1871, I have named Mr. Delfosse, envoy extraordinary and minister plenipotentiary of His Majesty the King of the Belgians at Washington, third commissioner.

I have equally the honor to inform your excellency that due notice has been given of the above nomination to the government of Her Majesty the Queen and to the Belgian legation at London.

I have, &amp;c.,

BEUST.

The Hon. EDWARDS PIERREPONT, &amp;c.

No. 120.

*Mr. Evarts to Mr. Pierrepont.*

No. 154.]

DEPARTMENT OF STATE,  
*Washington, May 21, 1877.*

SIR: A letter dated the 16th instant has been received from the Secretary of the Navy, in which it is stated that that Department has in view the determination, by telegraph, of the longitudes between Lisbon and the east coast of South America, and such intermediate points as the cable will permit, and that already, through the action of this De-

partment, the promise of the co-operation of the Portuguese Government has been received.

It is further stated that in case the bureau of longitudes of Paris should not be able within the coming year to give the longitude of Lisbon with accuracy, it will be necessary to invite the co-operation of the British Government, and that in such event, should the terminus of the cable near Land's End be accurately determined in longitude, permission is desired to set up a small portable observatory at that point to interchange time-signals with Lisbon, and should not the terminus at Land's End be properly determined in longitude, time-signals will be interchanged with Greenwich Observatory also, upon the completion of which the observers would proceed to the more southern stations.

In compliance with the wish expressed by the Secretary of the Navy, I have to request you to invite the attention of Her Majesty's minister for foreign affairs to the subject, in order that, if practicable, permission for the privilege desired may be accorded.

I am, &c.,

WM. M. EVARTS.

No. 121.

*Mr. Evarts to Mr. Pierrepont.*

No. 155.]

DEPARTMENT OF STATE,  
*Washington, May 22, 1877.*

SIR: A communication under date of the 16th instant has been received from the Secretary of the Navy, in which he states that private advices have reached the Navy Department from Capt. Allen Young, of Her Majesty's ship Pandora, to the effect that he has obtained relics of the United States steamer Polaris from Littleton Island, which place he visited subsequently to Sir George Nares, and inquiring in what manner they can be forwarded to this government if desired.

The Secretary of the Navy asks that you may be requested to communicate with the proper authorities in regard to the matter, and to state that you will be happy to receive the relics of the Polaris, at the same time expressing the thanks of the Navy Department for the preservation and presentation of those interesting curiosities.

I have to request that the wishes of the Secretary of the Navy in regard to this matter may be complied with, and that you will forward the articles in question to this Department for transmission to the Navy Department.

I am, &c.,

WM. M. EVARTS.

No. 122.

*Mr. Seward to Mr. Pierrepont.*

No. 161.]

DEPARTMENT OF STATE,  
*Washington, June 1, 1877.*

SIR: Referring to instruction No. 18, of the 8th August, 1876, and to your reply numbered 35, in reference to the case of Edward O'M. Con-

don, imprisoned under sentence of a British court, I now inclose for your information a copy of a letter addressed to the President by Condon's brother, Thomas J. Condon, asking that further efforts may be made for the prisoner's release.

I have accordingly to request that you will again invite the attention of the British Government to the case, and state that the Government of the United States, in view of another year of Condon's imprisonment having elapsed, and of the fact that no new disturbances have occurred, hopes that it may be deemed proper by Her Majesty's Government to extend the clemency asked.

I am, &c.,

F. W. SEWARD.

[Inclosure.]

*Mr. Condon to the President.*

CINCINNATI, May 20, 1877.

RESPECTED SIR: Deaf to all warnings however ominous, spurning alike the arguments of the people of Ireland and the petitions and requests of the President, the Senators, and Congressmen of America, the Government of England still retains in one of her bastiles Edward O'Meagher Condon, the only American citizen held in a foreign prison because of his political opinions.

I would not now broach the subject to your excellency but that I remember the interest you had taken in his sad fate some years ago. You then signed the petition for his release which the Hon. Benjamin Eggleston introduced in the House of Representatives; you also gave my late father several letters of recommendation to prominent and eminent men in Washington requesting them to use their influence to secure if possible my brother's release.

\* \* \* \* \*  
My brother, to-day, standing as he does between the free and the dead with many appearances tending to support the belief that he shall be numbered with the latter, first pleads that the government for whose preservation he fought and bled should aid and assist him now in the hour of his adversity.

You, honored sir, will, I hope, be the means of obtaining his release and returning him once more to the bosom of a widowed mother, who lives only in the fond hope of seeing him again ere the film of death close her eyes forever to mortal vision.

Guard his life as an American citizen and God will bless and man approve of your efforts in his behalf. Anxiously awaiting a reply,

I remain, your humble servant,

THOMAS J. CONDON,  
116 Cutter Street.

No. 123.

*Mr. Pierrepont to Mr. Everts.*

No. 182.]

LEGATION OF THE UNITED STATES,  
London, June 27, 1877. (Received July 9.)

SIR: On the last day of May ex-President Grant arrived in London, and was my guest until the 22d day of June. Learning of his proposed visit some twenty days before his arrival, I unofficially talked with Lord Derby, the minister of foreign affairs, upon the subject, and with other members of the Queen's government.

Every disposition so to adjust the matter as to be most complimentary to our country was everywhere manifested, and the Queen, the Prince of Wales, and every member of the British Government, so far as I could see, have been most cordial in their reception of the ex-President of the great republic, and he has been received with all the honors accorded to an ex-emperor.

The freedom of the city of London was bestowed upon the ex-President with great ceremony at Guildhall, the lord mayor presiding.

Yesterday General and Mrs. Grant, the American minister and Mrs. Pierrepont, were invited to dine with the Queen at Windsor Castle and to remain until to-day, which we did, and returned to London this forenoon.

These courtesies, as well as those of the Prince of Wales and of the Queen's ministers of state, were intended as friendly compliments to our country, and have their uses.

General Grant leaves London for Paris on the 5th of July.

I have, &c.,

EDWARDS PIERREPONT.

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No. 124.

*Mr. Pierrepont to Mr. Evarts.*

No. 188.]

LEGATION OF THE UNITED STATES,  
*London, July 7, 1877. (Received July 19.)*

SIR: We celebrated the Fourth of July in London by having a reception at my house, at which General Grant was present. In the evening we had a dinner also at my house, but not a public dinner. To the reception all the American ladies and gentlemen in London were invited, and far more than I had supposed were in London attended.

The next morning General Grant left for Brussels. He will not go to Paris for the present, but expects to visit Scotland in the autumn, after his trip to Germany, Russia, Norway, and Sweden.

He has been received in England as ex-President of the United States in a manner very complimentary to our country and evincing an excellent good feeling toward the United States on the part of the Government of Great Britain, as well as on the part of the British people. His visit here, I think, cannot fail to have a very beneficial effect.

I have, &c.,

EDWARDS PIERREPONT.

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No. 125.

*Mr. Pierrepont to Mr. Evarts.*

No. 192.]

LEGATION OF THE UNITED STATES,  
*London, July 16, 1877. (Received July 30.)*

SIR: Referring to your instruction No. 161, I have the honor to inclose a copy of the correspondence between myself and Lord Derby upon the subject to which it relates.

I have, &c.,

EDWARDS PIERREPONT.

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[Inclosure 1 in No. 192.]

*Mr. Pierrepont to Lord Derby.*

LEGATION OF THE UNITED STATES,  
*London, June 18, 1877.*

MY LORD: Referring to my note of the 23d of August last, and to your lordship's reply of the 14th of September last, I have the honor to say that I have lately received

a dispatch from Mr. Seward, Assistant Secretary of State, by which I am instructed to invite the attention of Her Majesty's Government again to the case of Edward O'M. Condon, a convict now under sentence of imprisonment for life for participation in certain Fenian disturbances. This dispatch covers the copy of a letter from the brother of Condon to the President of the United States, in which it is intimated that the prisoner is in failing health, and that his mother is in great distress and anxiety on his account. I beg to recall to your lordship's attention the grounds upon which, in a former communication, I asked for a remission of the punishment in this case, and also to state that the Government of the United States, in view of another year of his imprisonment having elapsed, and of the fact that no new disturbances have occurred, hopes that it may be deemed proper by Her Majesty's Government to extend the clemency which is desired, and allow the prisoner to be released.

I have, &c.,

EDWARDS PIERREPONT.

The Right Honorable the EARL OF DERBY.

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[Inclosure 2 in No. 192.]

*Lord Derby to Mr. Pierrepont.*

FOREIGN OFFICE, July 12, 1877.

SIR: With reference to my letter of the 22d ultimo, respecting the case of Edward Condon, who is under sentence of penal servitude for life, I have the honor to acquaint you that I have been informed by Her Majesty's secretary of state for the home department that he is unable to give any other answer than that which I communicated to you on the 14th of September last, in regard to a mitigation of the convict's sentence, but that he has caused inquiry to be made as to the prisoner's state of health, and is perfectly satisfied that Condon is in good health, both physically and mentally.

I have the honor, &c.,

DERBY.

The Hon. E. PIERREPONT, &c., &c., &c.

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No. 126.

*Mr. Pierrepont to Mr. Evarts.*

No. 194.]

LEGATION OF THE UNITED STATES,  
London, July 16, 1877. (Received July 30.)

SIR: Referring to your instruction No. 155, of the 22d of May last, I have the honor to inclose a copy of the correspondence which has passed between this legation and the foreign office in regard to the relics of the United States steamer *Polaris*, and also of a letter from Sir Allen Young accompanying the box containing the relics in question, which box I shall cause to be transmitted to the Department of State by an early opportunity. I also inclose my reply.

I have, &c.,

EDWARDS PIERREPONT.

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[Inclosure 1 in No. 194.]

*Mr. Pierrepont to the Earl of Derby.*

LEGATION OF THE UNITED STATES,  
London, June 8, 1877.

MY LORD: I am informed by Mr. Evarts that he had received a communication, under date of the 16th of May, from the Secretary of the Navy of the United States, to the effect that private advices had reached the Navy Department from Capt. Sir Allen Young, of Her Majesty's ship *Pandora*, stating that he had obtained relics of the United States steamer *Polaris* from Littleton Island, which place he visited subsequently to



Sir George Nares, and inquiring in what manner they could be forwarded to the United States Government if desired. I have the honor to ask your lordship's attention to this subject and to state that I shall be happy to receive the relics of the *Polaris* and to transmit them to the Department of State. And I beg at the same time to express the thanks of the Navy Department of the United States to the proper authorities for the preservation and presentation of these interesting curiosities.

I have, &c.,

EDWARDS PIERREPONT.

The EARL OF DERBY, *&c., &c.*

[Inclosure 2 in No. 194.]

*Lord Derby to Mr. Pierrepont.*

FOREIGN OFFICE, *June 28, 1877.*

SIR: I referred to the lords of the admiralty your letter of the 8th instant, and I have now the honor to acquaint you that I am informed that Sir Allen Young has been requested to communicate with your legation as to the transfer to your custody of the relics of the United States steamer *Polaris*, which were brought home by him from Littleton Island.

I have, &c.,

DERBY.

The Hon. EDWARDS PIERREPONT, *&c., &c.*

[Inclosure 3 in No. 194.]

*Sir Allen Young to Mr. Pierrepont.*

12, STRATTON STREET,  
*London, July 10, 1877.*

SIR: I have the honor to inform you that, with reference to the desire of the lords commissioners of admiralty, I have great pleasure in forwarding the relics of the United States exploring ship *Polaris*, which I found on Littleton Island last autumn, and brought to England in the *Pandora*.

The records of Captain Harstene, United States Navy, which I also found on Sutherland Island, have already been transmitted to the United States Government.

I have, &c.,

ALLEN YOUNG.

The Hon. EDWARDS PIERREPONT,  
*&c., &c.*

[Inclosure 4 in No. 194.]

*Mr. Pierrepont to Sir Allen Young.*

LEGATION OF THE UNITED STATES,  
*London, July 13, 1877.*

SIR: I have the honor to acknowledge the receipt of your note of the 10th instant, accompanying the relics of the United States exploring ship *Polaris*, which you found on Littleton Island last autumn and brought to England in the *Pandora*. I shall be happy to take these relics into my charge, and, in accordance with your request, to transmit them to the care of the Department of State.

I beg at the same time to renew to you the thanks of my government for the preservation of these interesting curiosities.

I have, &c.,

EDWARDS PIERREPONT.

Sir ALLEN YOUNG,  
*Commander Arctic Exploring-ship Pandora.*

No. 127.

*Mr. Pierrepont to Mr. Evarts*

No. 216.]

LEGATION OF THE UNITED STATES,  
*London, August 9, 1877. (Received August 20.)*

SIR: Referring to your instruction No. 154 of the 21st of May last, I

have the honor to inclose a copy of my note to Lord Derby requesting facilities for operations by the Navy Department to determine the longitudes between Lisbon and the east coast of South America, and also a copy of his lordship's reply, which I have just received.

I have, &c.,

EDWARDS PIERREPONT.

[Inclosure 1 in No. 216.]

*Mr. Pierrepont to the Earl of Derby.*

LEGATION OF THE UNITED STATES,  
*London, June 8, 1877.*

MY LORD: I am informed that the Department of the Navy of the United States has in view the determination, by telegraph, of the longitudes between Lisbon and the east coast of South America, and such intermediate points as the cable will permit, and that already, through the action of the Department of State, the promise of the co-operation of the Portuguese Government has been received.

I am further informed that, in case the bureau of longitudes of Paris should not be able within the coming year to give the longitude of Lisbon with accuracy, it will be necessary to invite the co-operation of Her Majesty's Government, and that, in such event, should the terminus of the cable near Land's End be accurately determined in longitude, permission is desired to set up a small portable observatory at that point to interchange time signals with Lisbon; and should not the terminus at Land's End be properly determined in longitude, time signals will be interchanged with Greenwich Observatory also, upon the completion of which the observers would proceed to the more southern stations.

In compliance with instructions from the Department of State, I have the honor to invite your lordship's attention to the subject, in order that, if practicable, permission for the privilege desired may be accorded.

I have, &c.,

EDWARDS PIERREPONT.

The EARL OF DERBY,  
*&c., &c., &c.*

[Inclosure 2 in No. 216.]

*Lord Derby to Mr. Pierrepont.*

FOREIGN OFFICE, *August 7, 1877.*

SIR: I referred to the proper department of Her Majesty's Government your letter of the 8th of June, and I have now the honor to inform you that every facility will be granted to the United States authorities to enable them to accomplish the object which they have in view of determining the longitude between Lisbon and the east coast of South America.

For this purpose, both the royal observatory at Greenwich and the government postal telegraph will be placed at their disposal, and, assuming that the experiments will be carried out at night, so as not to interfere with the public traffic, a post-office wire will be set apart for the purpose between Greenwich and Falmouth. Between the latter place and Porth Curno there is no post-office wire, but there is one belonging to the Eastern Telegraph Company, of which it has been ascertained that the use will be allowed, by which direct communication will be established between the desired points.

I have to state, in conclusion, that Her Majesty's Government will readily sanction the erection of an observatory at Porth Curno, as requested in your letter.

I have, &c.,

DERBY.

The Hon. EDWARDS PIERREPONT.

CORRESPONDENCE BETWEEN THE DEPARTMENT OF STATE  
AND THE BRITISH LEGATION.

No. 128.

*Mr. Fish to Sir Edward Thornton.*DEPARTMENT OF STATE,  
Washington, November 2, 1876.

SIR: I have the honor to invite your attention to a case which has recently been reported to this Department by the consul of the United States at Victoria, British Columbia.

It appears that one Peter Martin, who is said to be a naturalized citizen of the United States, and formerly a resident of Washington Territory, was on the 6th of September last tried before the court of assize, held at Laketon, Cassiar, Province of British Columbia, upon true bills found by the grand jury, alleging assault upon an officer in the execution of his duty, prison breach, and escape from custody; he was found guilty and sentenced to fifteen months' imprisonment in the jail at Victoria. The prisoner was in the custody of constables, and the route traveled through Alaska was by canoe, via the Stickine River.

On the 12th of September they made a landing at a point on that river, only a few miles from its mouth, within the Territory of Alaska, for the purpose of cooking food. While thus engaged the prisoner, although manacled, by some means obtained possession of a loaded shot gun and made a deadly assault upon Francis Beegan, one of the constables, at whose hands, it is alleged, the prisoner had suffered indignities. He was, however, overpowered, and at once conveyed to Wrangle Harbor, where he was placed on board the British steamer Grappler and taken to Victoria.

It further appears from what has been intimated to the consul that Martin will be fully committed for this assault, and that his case will be given to the grand jury, where a true bill will most likely be found against him, and that the case will then come up in the supreme court some time during the present month.

From the facts presented in this case, it is suggested that the person in question should not be tried for the offense with which he is charged, it having been committed, as is reported, within the jurisdiction of the United States, and that, such being the case, he should be set at liberty.

I will, therefore, thank you, at your earliest convenience, to call the attention of Her Majesty's proper authorities to the matter, in order that a thorough examination of the facts in the case may be made.

I have the honor, &c.,

HAMILTON FISH.

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No. 129.

*Sir Edward Thornton to Mr. Fish.*

WASHINGTON, November 6, 1876. (Received November 7.)

SIR: I have the honor to acknowledge the receipt of your note of the 2d instant, relative to the case of Peter Martin, held for trial in British Columbia for an offense committed within the jurisdiction of the United States, and to inform you that I have transmitted a copy of your note

to the governor-general of the Dominion of Canada, in order that inquiries may be made into the circumstances of the case and such action taken as may be proper.

I have the honor, &c.,

EDWD THORNTON.

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No. 130.

*Mr. Fish to Sir Edward Thornton.*

DEPARTMENT OF STATE,  
*Washington, December 6, 1876.*

SIR: Referring to my note of November 2, respecting the case of Peter Martin, who, while being transported through American territory, had made an assault upon his custodians, and had thereupon been arraigned for the same, I have the honor to inform you that I have been furnished with a copy of a communication addressed by Mr. J. B. Lovell, said to be a justice of the peace, to Captain Jocelyn, an officer of the United States Army, commanding at Fort Wrangle, Alaska, bearing date Glenora, Cassiar, British Columbia, September, 1876, in which it is stated that "the absence of any jail here, or secure place of imprisonment, necessitates sending him (Peter Martin) through as soon as possible; and I hope you will excuse the liberty we take in forwarding him through United States territory without special permission." A copy of this communication I herewith inclose. It would appear thereby that there was no doubt as to the fact of the transmission of the prisoner through the territory of the United States, and that the presence of the prisoner upon American soil arose from no mistake, but from the intentional act of the colonial authorities in so transporting him.

I should be glad to be advised of any information concerning the case which you may receive, and have felt it my duty to transmit to you this further information.

I have the honor, &c.,

HAMILTON FISH.

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[Inclosure.]

*Mr. Lovell to Captain Jocelyn.*

GLENORA, CASSIAR, BRITISH COLUMBIA,  
*September, 1876.*

DEAR SIR: I have received advice from A. W. Nowell, esq., stipendiary magistrate for the district, saying that a prisoner named Peter Martin, who has been sentenced to a term of imprisonment by the supreme court, is being conveyed by constables to Victoria, and requesting me, as one of Her Majesty's justices of the peace, to do what I can to have him conveyed safely.

The absence of any jail here, or secure place of imprisonment, necessitates sending him through as soon as possible, and I hope you will excuse the liberty we take in forwarding him through United States territory without special permission.

The prisoner is in charge of constables, under sealed orders from the supreme court, and anything you can do to facilitate and secure his safe passage to Victoria will be highly appreciated.

I have the honor to be, most respectfully, your obedient servant,

JOHN B. LOVELL, J. P.

To Captain JOCELYN,  
*Officer Commanding Fort Wrangle, Alaska.*

No. 131.

*Mr. Fish to Sir Edward Thornton.*DEPARTMENT OF STATE,  
*Washington, January 10, 1877.*

SIR: Referring to the correspondence which has taken place concerning the case of Peter Martin, held in custody in British Columbia, and particularly to my notes of the 2d of November and the 6th of December last, I have now the honor to inform you that a dispatch has been received from the consul of the United States at Victoria, dated December 20, stating that Martin had been brought to trial for the assault charged against him, in a court of assize held at Victoria, on the 16th December ultimo, before the Hon. P. P. Crease, a justice of the supreme court of the province, and had been found guilty and sentenced to one year and nine months' imprisonment at hard labor, to take effect after the expiration of the term of imprisonment of fifteen months to which he was sentenced in September last.

The consul, who was present at the trial, states that two witnesses, who were on the spot at the happening of the occurrence, testified that the assault occurred in what is considered to be Alaska territory, one locating the point near the Stickine River, eight or ten miles from its mouth, the other at a distance of some ten or twenty miles from its mouth, and that the judge, in charging the jury, referred at some length to the point of jurisdiction and to the fact that a question had been raised by this government concerning the right of a court in the province to try the prisoner for an offense committed in Alaska and to correspondence between the two governments, but stated to the jury that he would entirely disembarass them on that point by saying that no evidence had been produced or could be produced to show that the offense for which the prisoner was on trial was really committed in Alaska, as the boundary between the two countries on the Stickine River remained undetermined, and no line of demarkation existed showing how far up that river American territory actually extends, whether it was five miles, ten miles, or thirty miles; and that, under these circumstances, the court had jurisdiction or concurrent jurisdiction, and the proceedings in trying the prisoner were just and proper.

In the note originally addressed to you, under date of November 2, it was suggested that if it appeared that the assault was committed within the territory of the United States, Martin could not properly be tried for the offense with which he was charged, and that he should be set at liberty; and I had the honor to request that you would call the attention of Her Majesty's proper authorities to the case, that an examination of the facts might be made before the case was disposed of.

The facts were laid before you, and while no unnecessary prominence was given to the violation of the sovereignty of the United States which had taken place, it was confidently hoped that before Martin was placed on trial for the new charge, or before any proceedings had been taken to continue his imprisonment on the former one, the facts would have been carefully examined by the colonial authorities and a conclusion reached as to what course should properly be taken, in view of the rights of Martin and of the sovereignty of the United States, which it was stated had been invaded, and it is a matter of regret that under the circumstances the court, with apparent knowledge of the facts, should have proceeded with the trial and have sentenced the prisoner, and assumed to decide questions having a serious bearing on the rights

and jurisdiction of the two countries. Moreover, the position assumed by the learned judge who presided at the trial, if rightly reported, seems to be such as I feel quite confident will not be sustained by Her Majesty's Government.

The absence of a line defined and marked on the surface of the earth as that of the limit or boundary between two countries cannot confer upon either a jurisdiction beyond the point where such line should in fact be. That is the boundary which the treaty makes the boundary. Surveys make it certain and patent, but do not alter rights or change rightful jurisdiction.

It may be inconvenient or difficult in a particular case to ascertain whether the spot on which some occurrence happened is or is not beyond the boundary-line; but this is simply a question of fact, upon the decision of which the right to entertain jurisdiction must depend.

I have the honor, therefore, to ask again your attention to the subject and to remark that if, as appears admittedly to be the fact, the colonial officers in transporting Martin from the place at which he was convicted to his place of imprisonment, via the Stikine River, did conduct him within and through what is the unquestioned territory of the United States, a violation of the sovereignty of the United States has been committed, and the recapture and removal of the prisoner from the jurisdiction of the United States to British soil was an illegal, violent, and forcible act, which cannot justify the subsequent proceedings whereby he has been, is, or may be restrained of his liberty.

I have, therefore, to express the hope that if Her Majesty's authorities find the fact to be as it is represented, that Martin was conducted by the officers having him in custody into and through the Territory of Alaska, being part of and within the jurisdiction and sovereignty of the United States, he be set at liberty.

I must not allow this question to pass without entering an explicit dissent from the doctrine which seems to be advanced by the learned judge who presided at the trial of Martin, that jurisdiction or concurrent jurisdiction vests in Her Majesty's colonial authorities or courts over offenses committed within any part of the Territory of Alaska, even though so near to the treaty-line that uncertainty or doubt may exist on which side of such line the offense is committed. It cannot, I think, be necessary to argue this point, or to do more than record this dissent and denial of a doctrine which, I have no doubt, Her Majesty's Government agrees with me in repudiating.

I have the honor, &c.,

HAMILTON FISH.

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No. 132.

*Sir Edward Thornton to Mr. Fish.*

WASHINGTON, *January 27, 1877.* (Received January 27.)

SIR: In compliance with instructions which I have received from the Earl of Derby, I have the honor to inclose copy of a letter addressed to the foreign office by the admiralty and of its inclosure, a letter dated the 14th of December last, from Capt. Sir George Nares, forwarding the documents and stores belonging to the *Polaris* expedition which were recovered during the voyage of Her Majesty's ships *Alert* and *Discovery* in the Arctic Sea.

I also inclose a list of the above-mentioned articles, which are trans-

mitted separately in three cases, one hamper, a copper cylinder with a record, and an envelope containing an ensign which was hoisted over "Hall's Rest" by the British expedition in May, 1876.

I have the honor, &c.,

EDWARD THORNTON.

[Inclosure.]

*Capt. Sir George Nares to the British Admiralty.*

ADMIRALTY WAITING-ROOM,  
December 14, 1876.

SIR: I have the honor to forward the two original official records, and the books, instruments, and stores belonging to the recent United States Polar Expedition, which were recovered during the voyage of Her Majesty's ships Alert and Discovery in the Arctic Sea.

The books were found near the site of the second winter quarters of the Polaris, at Life-Boat Cove, scattered about in different boxes, which contained also scraps of skins and other unimportant articles, as mentioned in my report of the 27th of October, 1876.

The records and other articles were found at Hall's Rest, in Polaris Bay, or at the boats' depots, in Newman's Bay.

The chronometer, after four years' exposure to the Arctic weather, has kept excellent time since its recovery.

As an interesting relic, I have the honor to forward an American flag which was hoisted at Hall's grave when a memorial tablet was erected to his memory by the late British expedition, and left flying there for several days while the sledge parties were in the neighborhood.

I have, &c.,

G. S. NARES, *Captain.*

The SECRETARY to the ADMIRALTY.

No. 133.

*Mr. Fish to Sir Edward Thornton.*

DEPARTMENT OF STATE,  
Washington, March 3, 1877.

SIR: Referring to your note of the 27th January last, with which you forwarded to me certain articles and stores belonging to the Polaris expedition which had been recovered by Her Majesty's ships Alert and Discovery during their explorations in the Arctic Sea, I have the honor to inclose herewith a copy of a letter dated the 2d instant, which has been received from the Secretary of the Navy, expressing the thanks of his department for the collection of these objects and their return to the United States.

I have the honor, &c.,

HAMILTON FISH.

[Inclosure.]

*Mr. Robeson to Mr. Fish.*

NAVY DEPARTMENT,  
Washington, March 2, 1877.

SIR: I have the honor to acknowledge the receipt of your letter of the 30th of January last, inclosing copy of a note from Sir Edward Thornton, dated the 27th of that month, with its accompaniments, in relation to documents and stores belonging to the polar expedition under the late Capt. Charles F. Hall, which were recovered by Her

Britannic Majesty's ships Alert and Discovery on their recent exploration in the Arctic Seas.

The three cases containing the articles mentioned in the schedule accompanying Capt. George S. Nares's letter were also duly received.

The department is much pleased at being put in possession of these relics of the voyage of the *Polaris*, some of which are private property belonging to parties who were engaged in the expedition, and will, as far as possible, be restored to them.

I have the honor to request that the thanks of the department may be conveyed to the admiralty and to the officers of Her Majesty's Government for their united efforts and success in collecting these articles, their care in packing, and prompt restoration of them to the department.

Very respectfully, your obedient servant,

GEO. M. ROBESON,  
*Secretary of the Navy.*

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No. 134.

*Mr. Plunkett to Mr. Seward.*

WASHINGTON, September 25, 1877. (Received September 26.)

SIR: With reference to the note which Sir Edward Thornton addressed to Mr. Fish on the 11th of last January, I have the honor to inform you that I have just learned from the deputy governor of Canada that the Dominion Government has concluded the inquiry into the circumstances of the case, and has decided upon setting Peter Martin at liberty without further delay.

I have the honor, &c.,

F. R. PLUNKETT.

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GREAT BRITAIN.—EXTRADITION.

No. 135.

*Message from the President, transmitting documents relative to the execution of the extradition article of the treaty of 1842, between the United States and Great Britain.*

*To the Senate:*

When Congress adjourned in August last, the execution of the extradition article of the treaty of 1842 between the United States and Great Britain had been interrupted.

The United States had demanded of Her Majesty's Government the surrender of certain fugitives from justice, charged with crimes committed within the jurisdiction of the United States, who had sought asylum and were found within the territories of Her Britannic Majesty, and had, in due compliance with the requirements of the treaty, furnished the evidence of the criminality of the fugitives, which had been found sufficient to justify their apprehension and commitment for trial, as required by the treaty, and the fugitives were held and committed for extradition.

Her Majesty's Government, however, demanded from the United States certain assurances or stipulations as a condition for the surrender of these fugitives.

As the treaty contemplated no such conditions to the performance of the obligations which each government had assumed, the demand for stipulations on the part of this government was repelled.



Her Majesty's Government thereupon, in June last, released two of the fugitives (Ezra D. Winslow and Charles I. Brent), and subsequently released a third (one William E. Gray), and refusing to surrender, set them at liberty.

In a message to the two houses of Congress on the 20th day of June last, in view of the condition of facts as above referred to, I said:

The position thus taken by the British Government, if adhered to, cannot but be regarded as the abrogation and annulment of the article of the treaty on extradition. Under these circumstances it will not, in my judgment, comport with the dignity or self-respect of this government to make demands upon that government for the surrender of fugitive criminals, nor to entertain any requisition of that character from that government under the treaty.

Article XI of the treaty of 1842 provided that—

The tenth article (that relating to extradition) should continue in force until one or the other of the parties should signify its wish to terminate it, and no longer.

In view, however, of the great importance of an extradition treaty, especially between two states as intimately connected in commercial and social relations as are the United States and Great Britain, and in the hope that Her Majesty's Government might yet reach a different decision from that then attained, I abstained from recommending any action by Congress terminating the extradition article of the treaty. I have, however, declined to take any steps under the treaty toward extradition.

It is with great satisfaction that I am able now to announce to Congress and to the country that by the voluntary act of Her Majesty's Government the obstacles which had been interposed to the execution of the extradition article of the treaty have been removed.

On the 27th of October last, Her Majesty's representative at this capital, under instructions from Lord Derby, informed this government that Her Majesty's Government would be prepared, as a temporary measure, until a new extradition treaty can be concluded, to put in force all powers vested in it for the surrender of accused persons to the Government of the United States, under the treaty of 1842, without asking for any engagement as to such persons not being tried in the United States for other than the offenses for which extradition had been demanded.

I was happy to greet this announcement as the removal of the obstacles which had arrested the execution of the extradition treaty between the two countries.

In reply to the note of Her Majesty's representative, after referring to the applications heretofore made by the United States for the surrender of the fugitives referred to in the correspondence which was laid before Congress at its last session, it was stated that on an indication of readiness to surrender these persons, an agent would be authorized to receive them, and I would be ready to respond to requisitions which may be made on the part of Her Majesty's Government under the tenth article of the treaty of 1842, which I would then regard as in full force until such time as either government shall avail itself of the right to terminate it provided by the eleventh article, or until a more comprehensive arrangement can be reached between the two governments in regard to the extradition of criminals—an object to which the attention of this government would gladly be given, with an earnest desire for a mutually satisfactory result.

A copy of the correspondence between Her Majesty's representative at this capital and the Secretary of State on the subject is transmitted herewith.

It is with great satisfaction that I have now to announce that Her Majesty's Government, while expressing its desire not to be understood to recede from the interpretation which in its previous correspondence it has put upon the treaty, but having regard to the prospect of a new treaty, and the power possessed by either party of spontaneously denouncing the old one, caused the re-arrest on the 4th instant of Brent, one of the fugitives who had been previously discharged; and, after awaiting the requisite time within which the fugitive is entitled to appeal or to apply for his discharge, on the 21st instant surrendered him to the agent appointed on behalf of this government to receive and to convey him to the United States.

Her Majesty's Government has expressed an earnest desire to re-arrest and to deliver up Winslow and Gray, the other fugitives who had been arrested and committed on the requisition of the United States, but were released because of the refusal of the United States to give the assurances and stipulations then required by Great Britain. These persons, however, are believed to have escaped from British jurisdiction; a diligent search has failed to discover them.

As the surrender of Brent, without condition or stipulation of any kind being asked, removes the obstacle which interrupted the execution of the treaty, I shall no longer abstain from making demands upon Her Majesty's Government for the surrender of fugitive criminals, nor from entertaining requisitions of that character from that government under the treaty of 1842, but will again regard the treaty as operative, hoping to be able before long to conclude with Her Majesty's Government a new treaty of a broader and more comprehensive nature.

U. S. GRANT.

WASHINGTON, *December 23, 1876.*

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*List of papers transmitted to the Senate with the foregoing message.*

Sir Edward Thornton to Mr. Fish, May 13, 1876.  
 Mr. Fish to Sir Edward Thornton, May 17, 1876.  
 Sir Edward Thornton to Mr. Fish, May 23, 1876.  
 Sir Edward Thornton to Mr. Fish, May 26, 1876.  
 Sir Edward Thornton to Mr. Fish, July 13, 1876.  
 Mr. Fish to Sir Edward Thornton, July 18, 1876.  
 Sir Edward Thornton to Mr. Fish, October 27, 1876.  
 Mr. Fish to Sir Edward Thornton, October 30, 1876.  
 Mr. Fish to Mr. Pierrepont (telegram), November 1, 1876.  
 Mr. Fish to Mr. Pierrepont (telegram), November 24, 1876.  
 Sir Edward Thornton to Mr. Fish, November 29, 1876.  
 Mr. Pierrepont to Mr. Fish (telegram), November 30, 1876.  
 Mr. Pierrepont to Mr. Fish, November 30, 1876.  
 Mr. Pierrepont to Mr. Fish (telegram), December 4, 1876.  
 Mr. Fish to Mr. Pierrepont, December 5, 1876.  
 Mr. Pierrepont to Mr. Fish (telegram), December 23, 1876.  
 Mr. Fish to Sir Edward Thornton, December 23, 1876.

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No. 136.

*Sir Edward Thornton to Mr. Fish.*

PHILADELPHIA, *May 13, 1876.* (Received May 15.)

SIR: In compliance with the request of the governor-general of Canada, I have the honor to inform you that a person by the name of Maraine Smith, late of the city of Detroit, Mich., was, on the 4th of last month, committed to jail in the county of Essex, Ontario, as a

fugitive from the justice of the United States, on the charge of having murdered one Daniel R. McKeon.

As the usual application for the surrender of this man under the extradition treaty has not been received by the governor-general, his excellency has requested me to inform you that on the 4th of June, two months from the date of his committal to prison, the prisoner will be entitled to claim his discharge.

I have, &c.,

EDWD THORNTON.

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No. 137.

*Mr. Fish to Sir Edward Thornton.*

DEPARTMENT OF STATE,  
Washington, May 17, 1876.

SIR: I have the honor to acknowledge the receipt of your note of the 13th instant, informing me, at the request of the governor-general of Canada, that one Maraine Smith, late of Detroit, was committed as a fugitive from justice, in the county of Essex, Ontario, upon the 4th of April last, and, as the usual application for his surrender under the extradition treaty had not been received, that upon the 4th of June he will be entitled to claim his discharge.

Upon the 11th ultimo the governor of Michigan addressed me, stating that the person referred to, after an examination, had been committed for the crime of murder, and was held to await extradition, and requested that the proper steps be taken for that purpose.

The case had not been brought to the attention of this Department prior to that time.

As Her Majesty's Government, at the time of the receipt of this communication, had already informed the United States that Winslow and other fugitive criminals then in British jurisdiction, in whose cases the necessary steps had been taken, and who had been committed for extradition, would not be surrendered pursuant to the stipulations of the tenth article of the treaty of 1842, it was deemed advisable to desist from preferring applications for extradition in new cases until the final decision of Her Majesty's Government on that question should be reached, and the governor of Michigan was informed of this conclusion.

While, therefore, requesting you to express the thanks of this government to his excellency the governor-general for his courtesy in furnishing the information referred to, I have to request that you will inform him of the reason why no formal request has been preferred in this case pending the decision of Her Majesty's Government in the Winslow and other cases now before it.

I have, &c.,

HAMILTON FISH.

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No. 138.

*Sir Edward Thornton to Mr. Fish.*

WASHINGTON, May 23, 1876. (Received May 23.)

SIR: In compliance with a request which I have received from the governor-general of Canada, I have the honor to inform you that two men, named Walter Moore and Frederick Moore, charged with the crime

of murder in Canada, are fugitives from justice, and are now under arrest at Boston, having been remanded till to-morrow, and to ask that, when the necessary forms shall have been complied with to your satisfaction, a warrant may be issued for their extradition, and for their delivery to Alphonse Cinq, who is authorized to receive the prisoners.

I have, &c.,

EDWD THORNTON.

No. 139.

*Sir Edward Thornton to Mr. Fish.*

WASHINGTON, May 26, 1876. (Received May 27.)

SIR: With reference to my note of the 23d instant, I have the honor to inform you that in that note I incorrectly stated the name of the person into whose charge the prisoners Walter Moore and Frederick Moore, charged with the murder in Canada, should, if surrendered, be delivered. The name should have been Alphonse Cinq Mars.

I have, &c.,

EDWD THORNTON.

No. 140.

*Sir Edward Thornton to Mr. Fish.*

WASHINGTON, July 13, 1876. (Received July 14.)

SIR: From a dispatch which I have received from the governor-general of Canada, it appears that one Charles P. Jones, late of the county of Stark, in the State of Ohio, was, on the 30th ultimo, committed to jail at Hamilton, in the county of Wentworth, Ontario, as a fugitive from the justice of the United States.

As the usual application for the surrender of this man under the extradition treaty has not been received by the Canadian Government, the Earl of Dufferin has requested me to inform you that at the expiration of two months from the date of his committal to prison, Charles P. Jones will, under the Imperial Statutes 33 and 34 Vict., cap. 52, be entitled to claim his discharge.

I have, &c.,

EDWD THORNTON.

No. 141.

*Mr. Fish to Sir Edward Thornton.*

DEPARTMENT OF STATE,  
Washington, July 18, 1876.

SIR: I have the honor to acknowledge the receipt of your note of the 13th instant, informing me, at the request of the governor-general of Canada, that one Charles P. Jones was committed to jail at Hamilton, Ontario, upon the 30th ultimo, as a fugitive from the justice of the United States, but, as no application for his surrender under the extradition article of the treaty of 1842 had reached the Canadian Government, he would be entitled to his discharge at the expiration of two months from his commitment.

The governor of the State of Ohio some time since addressed me, requesting an application in the usual form for the delivery of Jones under the treaty, but it was not deemed proper to prefer such application, for the reason stated in my note of the 17th May in reference to the case of Maraine Smith.

Since the date of that note the case of Winslow has been disposed of by a refusal to surrender him, and by his discharge from custody. Thereupon, and on the 20th ultimo, the President communicated to Congress the reasons which, in his opinion, made it impossible to prefer further demands for the surrender of fugitive criminals under the tenth article of the treaty of 1842.

I have the honor to inclose a copy of this message, which will explain the position which the President has felt constrained to adopt, and the reasons why a request for the surrender of Jones has not been preferred.

In bringing these reasons to the knowledge of the governor-general of Canada, I will thank you to express to him my appreciation of his courtesy in the matter.

I have, &c.,

HAMILTON FISH.

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No. 142.

*Sir Edward Thornton to Mr. Fish.*

WASHINGTON, October 27, 1876. (Received October 28.)

SIR: I have the honor to inform you that I have received instructions from the Earl of Derby to state to you that Her Majesty's Government, having regard to the very serious inconvenience and great encouragement to crime which would arise from the continued suspension of the extradition of criminals between the British dominions and the United States, will be prepared, as a temporary measure, until a new extradition treaty can be concluded, to put in force all powers vested in it for the surrender of accused persons to the Government of the United States under the treaty of 1842, without asking for any engagement as to such persons not being tried in the United States for other than the offenses for which extradition has been demanded.

It is, however, to be borne in mind that each government has the right laid down in the eleventh article of the treaty of 1842, which provides that the tenth article shall continue in force until one or the other of the parties shall signify its wish to terminate it, and no longer.

I have, &c.,

EDW'D THORNTON.

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No. 143.

*Mr. Fish to Sir Edward Thornton.*

DEPARTMENT OF STATE,  
Washington, October 30, 1876.

SIR: I have the honor to acknowledge the receipt of your note of the 27th instant, wherein you inform me that you have received instructions from Lord Derby to state that Her Majesty's Government will be prepared, as a temporary measure until a new extradition treaty can be concluded, to put in force all powers vested in it for the surrender of accused persons to the Government of the United States under the treaty of 1842,

without asking for any engagement as to such persons not being tried in the United States for other than the offenses for which extradition has been demanded.

Your note also calls attention to the provision laid down in the eleventh article of the treaty of 1842, that the tenth article shall continue in force until one or the other of the parties shall signify its wish to terminate it, and no longer.

I have laid your note before the President, who observes with great satisfaction that Her Majesty's Government has decided to use its powers for the surrender of fugitive criminals without asking any stipulations or engagements in the nature of those which, in recent correspondence with reference to the requisition made by the United States in the case of Winslow and others, had compelled him, with extreme regret and reluctance, to reach the conclusion that under the position then taken by the British Government, if it be adhered to, it would not be possible for the Government of the United States either to make demands on Her Majesty's Government for the surrender of fugitive criminals or to entertain requisitions of that character from Her Majesty's Government under the treaty.

The President concurs fully with Her Majesty's Government in its appreciation of the very serious inconvenience and the great encouragement to crime arising from the failure of the extradition of criminals between two states whose relations of business and of social intercourse are as close and as intimate as those which happily exist between the United States and Her Majesty's dominions, and he greets the decision of Her Majesty's Government, announced in your note, to ask no engagement with regard to the trial of persons surrendered, as the removal of the obstacle which arrested the execution and efficiency of the extradition article of the treaty of 1842.

He hopes, therefore, that Her Majesty's Government will now take into consideration the applications heretofore made by the United States for the surrender of Winslow and Brent and Gray, with regard to each of whom the evidence of criminality has been duly furnished and heard, and was found sufficient to justify his apprehension and commitment for trial in accordance with the requirements of the treaty. On an indication of readiness to surrender those persons, he will authorize an agent to receive them, and will be ready and glad to respond to any requisitions which may be made on the part of Her Majesty's Government under the tenth article of the treaty of 1842, which he will then regard as in full force until such time as either government shall avail itself of the right to terminate it provided by the eleventh article, or until a more comprehensive arrangement can be reached between the two governments in regard to the extradition of criminals, an object to which he will be glad to give the attention of this government, with his most earnest desire for a mutually satisfactory result.

I have the honor, &c.,

HAMILTON FISH.

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No. 144.

*Mr. Fish to Mr. Pierrepont.*

[Telegram.]

WASHINGTON, November 1, 1876.

PIERREPONT, *Minister, London:*

Thornton, by note, proposes resumption extradition under treaty,

without demanding stipulations, as in Winslow's case. Have replied expressing satisfaction with decision to remove obstacle to extradition, with hope that Winslow, Brent, and Gray will now be surrendered, and stating, on receiving indication of readiness so to do, agent will be authorized to receive them, and thereafter we will be ready to grant requisitions.

Copy correspondence sent by mail. Make no advances. Watch question. If notified of any step to surrender fugitives, advise me promptly.  
FISH, *Secretary*.

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No. 145.

*Mr. Fish to Mr. Pierrepont.*

[Telegram.]

WASHINGTON, November 24, 1876.

PIERREPONT, *Minister, London:*

Interview this day with Thornton makes it possible that British Government may surrender Winslow, Brent, and Gray without conditions. If offer be made of all or of either, you will accept, and are authorized to appoint trustworthy person to convey fugitive without delay to United States.

Inform me immediately by telegraph in cipher whatever be done in the premises.

FISH, *Secretary*.

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No. 146.

*Sir Edward Thornton to Mr. Fish.*

BRITISH LEGATION,  
Washington, November 29, 1876.

MY DEAR MR. FISH: I have a telegram telling me that orders have been issued for the arrest of the three criminals, but Lord Derby thinks that this should be kept secret as long as possible, lest they should get notice and escape.

Believe me, &c.,

EDWD THORNTON.

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No. 147.

*Mr. Pierrepont to Mr. Fish.*

[Telegram.]

LONDON, November 30, 1876.

FISH, *Secretary, Washington:*

Home office have ordered arrest of Winslow, Brent, and Gray.

Winslow not here; disappeared early October. Brent here. Gray expected from Paris.

Foreign office prompt, careful; earnest to surrender.

Will keep you advised.

\* \* \* \* \*

PIERREPONT.

No. 148.

*Mr. Pierrepont to Mr. Fish.*

No. 76.]

LEGATION OF THE UNITED STATES,  
*London, November 30, 1876. (Received December 11.)*

SIR: I have the honor to acquaint you that yesterday, the 29th instant, I received a note from Lord Derby, without date, of which the following is a copy:

FOREIGN OFFICE, *November, 1876.*

SIR: I have the honor to inform you that after the communications which have recently passed between Her Majesty's minister at Washington and Mr. Fish, of which reports have been received by telegraph, the secretary of state for the home department has felt warranted in issuing orders for the apprehension of Winslow, Brent, and Gray, whose extradition has been requested by the United States Government. I have to add that it is desirable that this information should be treated, for the present at all events, as confidential.

I have the honor to be, with the highest consideration, sir, your most obedient, humble servant,

DERBY.

The Hon. EDWARDS PIERREPONT, &amp;c.

The foreign office are active and earnest to revive extradition.

\* \* \* \* \*

I have, &amp;c.,

EDWARDS PIERREPONT.

No. 149.

*Mr. Pierrepont to Mr. Fish.*

[Telegram.]

LONDON, *December 4, 1876.*FISH, *Secretary, Washington:*

Brent arrested; heard; committed. Extradition-warrant will issue after fifteen days. He says will not contest warrant. I shall appoint man to take him.

\* \* \* \* \*

PIERREPONT.

No. 150.

*Mr. Fish to Mr. Pierrepont.*

No. 69.]

DEPARTMENT OF STATE,  
*Washington, December 5, 1876.*

SIR:

\* \* \* \* \*

It would appear from your last telegram that Brent had been arrested by some preliminary warrant and committed for extradition, and that the warrant for his extradition would be delayed for the period of fifteen days; and from the statement that he would not contest the warrant, it is supposed that no *habeas corpus* will be applied for, and that the question which the British Government has supposed would arise



upon an attempt to surrender a fugitive will not in this case be brought before the court.

\* \* \* \* \*

As to these three cases, I will thank you to furnish me, from time to time, with accurate and careful information as to the particular proceedings taken by the authorities of Great Britain in each case, with the dates, and, as far as practicable, a copy of the papers relating to each, as accurate and detailed information is desired in reference to the successive steps which may be taken to bring the treaty again into operation.

I am, &c.,

HAMILTON FISH,

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No. 151.

*Mr. Pierrepont to Mr. Fish.*

No. 81.]

LEGATION OF THE UNITED STATES,  
London, December 7, 1876. (Received December 26.)

SIR: The extradition of persons charged with crime can now be carried on, under the treaty of 1842 between Great Britain and the United States, as promptly and as easily as before the interruption. Warrants are out for the arrest of Winslow and Gray, and Brent has already been arrested, heard, and committed to await the fifteen days which the law requires, when he will be delivered over to an agent of the United States under a warrant of extradition precisely the same as in all former cases, and without any stipulations or conditions whatever. This is due to the attitude which you assumed and maintained from the beginning, namely, that the British act of 1870 could not affect the treaty concluded between the United States and Great Britain in 1842, and that no stipulation or condition required by that act could have any binding force upon the Government of the United States or be claimed by England in the execution of that treaty. The question was several times discussed while I was a member of the Cabinet at Washington, and, as matter of international courtesy, it was determined to direct the district attorney of New York to try Lawrence, who had been extradited upon the charge of forgery, first upon that charge only, and leave all action upon other charges to be determined by the government after trial upon the extradited charge. I, as Attorney-General, gave orders accordingly. After my appointment as minister to England, I went with Judge Taft, who was appointed Attorney-General in my place, to New York, and, Lawrence offering to plead guilty upon the charge of forgery, it was arranged that all other charges should be dismissed. This arrangement was carried out, and Lawrence pleaded guilty to the indictment for forgery, and after that no charges were pending against him. \* \* \*

After your dispatch No. 15 (a copy of which I gave to Lord Derby), concisely setting forth the facts in the Lawrence case, and thus correcting the misapprehension under which he had labored, I was satisfied that extradition would be resumed under the old treaty. It has been done by the act of the British Government, creditable to their sense of justice and highly complimentary to your firm and courteous conduct of the negotiations, which had become very delicate and difficult.

I have, &c.,

EDWARDS PIERREPONT.

No. 152.

*Mr. Pierrepont to Mr. Fish.*

No. 91.]

LEGATION OF THE UNITED STATES,  
*London, December 22, 1876. (Received January 8, 1877.)*

SIR: I have the honor to inform you that, in my dispatch No. 76, dated November 30, 1876, I inclosed a copy of a note from Lord Derby, stating that the home department had issued orders for the apprehension of Winslow, Brent, and Gray, whose extradition has been requested by the United States Government. On the same day (November 30) I advised you by cable that the home office had ordered the arrests.

On the 4th of December, 1876, by cable, I acquainted you that Brent had been arrested, heard, and committed to await extradition at the end of fifteen days. Copies of the depositions taken at this hearing are herewith inclosed.

In my dispatch No. 80, December 5, 1876, I gave particulars of the case and of the general course of proceedings here in extradition cases.

In my dispatch No. 81, December 7, 1876, I stated that after the expiration of "the fifteen days" Brent would be delivered over to an agent of the United States under a warrant of extradition, and without any stipulations or conditions whatever.

In my dispatch No. 86, of the 12th instant, I inclosed copies of the papers received up to that date from Lord Derby in the case of Brent.

The "fifteen days" did not expire, as the law is construed, until the 19th of December expired.

On the morning of the 20th of December I wrote to Lord Derby a note upon this subject, and, to facilitate the matter, I also sent a note to Lord Tenterden. I received, on the same day, an answer to these notes from Lord Derby, who made an inquiry as to the person to be appointed to take Brent to America; to which I returned an immediate reply. A copy of this correspondence is given with this dispatch.

The next day, to wit, the 21st of December instant, Lord Derby sent a messenger with the extradition warrant; a copy of which I also inclose. The messenger was accompanied by Mr. John Shore, the inspector of police mentioned in the correspondence, in order that I might make the proper appointment and give the necessary directions. I executed the formal appointment of Mr. Shore, of which I send you a copy, and forthwith dispatched to you a cipher cable, as follows:

Lord Derby has signed extradition-warrant. John Shore appointed to take Brent. Sails from Liverpool Saturday, in Parthia. More after actual sailing.

Lord Derby's warrant seems to have been dated the 20th of December but I had no notice of it until the 21st, when I cabled you without delay. If the newspapers knew it before I did, they must have had it from some clerk in the foreign office before I had notice that the warrant was issued.

I have arranged to receive notice by telegraph when Brent actually sails, and shall advise you by cable.

You will observe that Lord Derby signs this warrant of extradition. I am told that the home secretary usually signs them, but the act allows either of the principal secretaries of state to sign such warrants.

I have, &c.,

EDWARDS PIERREPONT.

[Inclosure 1 in No. 91.]

*Depositions in relation to the arrest of Brent.***METROPOLITAN POLICE DISTRICT, to wit:**

The information of William J. Hoppin, taken on oath this 30th day of November, in the year of our Lord 1876, at the Bow-street police court, in the county of Middlesex, and within the metropolitan police district, before me, the undersigned chief magistrate of the police courts of the metropolis, sitting at the police court aforesaid.

This deponent, William J. Hoppin, on his oath, saith as follows:

I am the first secretary of the legation of the United States. I produce the copy of a telegram received on the 5th day of March, 1876, from the Hon. Hamilton Fish, Secretary of State, in cipher, charging Charles I. Brent with forgery and the utterance of forged paper; and I am enabled to state that the said telegram is from Mr. Fish from the fact that it is in the cipher used between the State Department and the legation.

The American Government are now willing to receive this fugitive criminal for the purpose of prosecution.

WILLIAM J. HOPPIN,

*Secretary of Legation of the United States of America.*

Sworn before me.

J. T. INGHAM,

*Chief Magistrate.***METROPOLITAN POLICE DISTRICT, to wit:**

The examination of John Shore and another taken on oath this 4th day of December, in the year of our Lord 1876, at the Bow-street police court, in the county of Middlesex, and within the metropolitan police district, before me, the undersigned, chief magistrate of the police courts of the metropolis, sitting at the police court aforesaid, in the presence and hearing of Charles Innis Brent, who was brought this day before me, pursuant to the extradition acts 1870 and 1873, accused of the commission of the crime of forgery and utterance of forged paper within the jurisdiction of the United States of America.

This deponent, John Shore, on his oath, saith as follows:

I am an inspector at Scotland Yard. I took the prisoner in custody on the 8th of March at Queenstown. I had then a warrant signed by Sir Thomas Henry similar to the one I produce. I read the warrant to him and told him I should have to take him to London. He was in the custody of the Irish constabulary; they handed me a box or exchange on Drexel, Harges & Co., Paris, for 29,000 francs and upward, and £56 10s. in English gold, \$11.25 American money, and revolver, all of which had been found on prisoner. Between there and Dublin I noticed prisoner was wearing a gold watch and chain, which I took from him; also, two rings and a pin. On the way between Queenstown and London he told me he was Charles Innis Brent; that he had been a clerk in the Tobacco Bank, Louisville, Ky.; that he had obtained leave of absence on the then yesterday fortnight to the following Monday, and that he proceeded to New York after cashing a draft belonging to the bank, and that he signed the name of the firm, bought the draft on Paris before referred to out of the proceeds of the draft, also the English gold and the gold watch and chain he was wearing.

I was present when the prisoner was examined before Sir Thomas Henry, and I remember Mr. Eugene C. Warren being examined by Sir Thomas in the presence of the prisoner, and in my presence he identified the prisoner as having been a clerk in the Tobacco Bank. I remember the whole of the American papers in the case were produced, and he and another gentleman swore to their correctness. It was said in prisoner's presence what the amount of the check was. I have now apprehended the prisoner under Sir James Ingham's warrant on Saturday last at Canterbury Barracks. I showed him the warrant, and he said he knew there would be a settlement between the governments about these extradition matters this last month.

JOHN SHORE.

And this deponent, Samuel Mullins, on his oath, saith:

I am a solicitor at 11 Queen Victoria street, E. C. I was present at the examination of prisoner before Sir Thomas Henry in March last. A draft was produced for the sum of \$15,000; that draft was annexed to the original documents which came from America; these documents, with the draft, have been sent back to New York.

In the presence of prisoner I heard the American depositions read in which Mr. Warren, who purported to have signed the check or draft, said his signature was a forgery.

SAMUEL MULLINS.

The above depositions of John Shore and Samuel Mullins were severally taken and sworn before me as aforesaid.

J. T. INGHAM,

*Chief Magistrate.*

The prisoner, having been duly cautioned, saith :

All I have to say is I was three months in the house of detention, from 10th March to 19th June; that I was released then because our governments could not come to an agreement about extradition. On the day of my release I signed a paper authorizing Detective Shore to return the draft, moneys, the watch and chain and rings to be restored to the Merchants' National Bank, New York City. Since then I have learned they have received this property. I would like to go back as soon as can be arranged without waiting the fifteen days.

CHARLES INNIS BRENT.

Taken before me.

J. T. INGHAM,  
Chief Magistrate.

[Inclosure 2 in No. 91.]

*Mr. Pierrepont to Lord Derby.*

LEGATION OF THE UNITED STATES,  
London, December 20, 1876.

MY LORD: With reference to the case of Charles Innis Brent, now held for extradition, I would call your lordship's attention to the fact that the "fifteen days" have expired, and I am ready to appoint such person as shall be mutually agreed upon to receive said Brent under a warrant of extradition and take him to the United States.

I have, &c.,

EDWARDS PIERREPONT.

[Inclosure 3 in No. 91.]

*Mr. Pierrepont to Lord Tenterden.*

LEGATION OF THE UNITED STATES,  
London, December 20, 1876.

MY DEAR LORD TENTERDEN: As it is very desirable to start Brent on his way at the earliest practicable moment, I inclose you a note which I have written to Lord Derby, and hoping that you may facilitate the matter so that there shall be no delay after Lord Derby arrives at the foreign office, I leave the note unsealed, thinking that there may be some formal matters requiring attention with which I am not familiar, but which you understand.

Very truly, yours,

EDWARDS PIERREPONT.

[Inclosure 4 in No. 91.]

*Lord Tenterden to Mr. Pierrepont. (For the Earl of Derby.)*

Immediate.]

FOREIGN OFFICE, December 20, 1876.

SIR: With reference to your letter of this day's date, I have the honor to inform you that I have received a communication from Her Majesty's principal secretary of state for the home department, stating that as fifteen days have now expired since the committal of Brent to the Middlesex house of detention, a warrant for his surrender can now be issued, and inquiring whether you wish that an officer should be sent from the United States to fetch the prisoner, or whether he is to be sent to the United States in charge of an English officer.

I understand from your letter that you are ready to appoint a person to take Brent to the United States, and shall therefore be obliged by your informing me what answer should be given to the inquiry of the secretary of state.

I have, &c.,

For the Earl of Derby,  
TENTERDEN.

[Inclosure 5 in No. 91.]

*Mr. Pierrepont to Lord Derby.*

LEGATION OF THE UNITED STATES,  
London, December 20, 1876.

MY LORD: I have the honor to state that if it meets your lordship's approval, I will appoint John Shore, inspector in Scotland Yard, to take Brent to America under the warrant of extradition.

I have, &c.,

EDWARDS PIERREPONT.

[Inclosure 6 in No. 91.]

*Warrant for the extradition of Brent.**To the Keeper of the Middlesex House of Detention at Clerkenwell, and to Inspector John Shore:*

Whereas Charles Innis Brent, late of the United States of America, accused of the commission of the crime of forgery and uttering forged paper within the jurisdiction of the United States of America, was delivered into the custody of you, the keeper of the Middlesex house of detention at Clerkenwell, by warrant dated 4th December, 1876, pursuant to the extradition act, 1870:

Now, I do hereby, in pursuance of the said act, order you, the said keeper, to deliver the body of the said Charles Innis Brent into the custody of the said inspector, John Shore, and I command you the said inspector, John Shore, to receive the said Charles Innis Brent into your custody, and to convey him within the jurisdiction of the said United States of America, and there place him in the custody of any person or persons appointed by the said jurisdiction to receive him, for which this shall be your warrant.

Given under the hand and seal of the undersigned, one of Her Majesty's principal secretaries of state, this 20th day of December, 1876.

[L. s.]

DERBY.

[Inclosure 7 in No. 91.]

*Appointment of Inspector Shore to convey Brent to the United States.*

LEGATION OF THE UNITED STATES,  
London, December 21, 1876.

Whereas under a warrant of extradition issued on the twentieth day of December, anno Domini eighteen hundred and seventy-six, by the right honorable the Earl of Derby, Her Majesty's secretary of state for foreign affairs, Inspector John Shore has been directed to receive into his custody Charles Innis Brent, accused of the commission of the crime of forgery and uttering forged paper within the jurisdiction of the United States of America, and to convey him, the said Charles Innis Brent, within the jurisdiction of the said United States of America, and there place him in the custody of any person or persons appointed by the said jurisdiction to receive him:

Now, therefore, I, Edwards Pierrepont, envoy extraordinary and minister plenipotentiary of the United States of America to Great Britain, by virtue of the authority in me vested by the Government of the United States, do hereby authorize and appoint the said inspector, John Shore, to take the said Charles Innis Brent into his custody, and conduct him to the United States of America, and there deliver him to such person or persons as the President of the United States may authorize to receive him; and if no such person shall appear duly authorized by the President of the United States to receive said Brent, then to deliver him, the said Charles Innis Brent, into the custody of the United States marshal for the southern district of New York, in the city of New York, to be held by the said marshal subject to the orders of the President of the United States.

In witness whereof I have hereto subscribed my name and affixed the seal of this legation this twenty-first day of December, in the year of our Lord one thousand eight hundred and seventy-six.

[L. s.]

WILLIAM J. HOPPIN,  
*Secretary of Legation.*

EDWARDS PIERREPONT.

No. 153.

*Mr. Pierrepont to Mr. Fish.*

[Telegram.]

LONDON, December 23, 1876.

*FISH, Secretary, Washington :*

In steamer Parthia, charge of John Shore, Brent left Liverpool to-day. He was not surrendered or notice given of warrant until 21st, when I cabled you at once.

\* \* \* \* \*

PIERREPONT.

No. 154.

*Mr. Fish to Sir Edward Thornton.*DEPARTMENT OF STATE,  
*Washington, December 23, 1876.*

SIR: Referring to your note of the 27th of October ultimo, and to my reply of the 30th of that month, and to your note of November 29, in which you did me the honor to inform me of the issuing of an order in London for the arrest of the three criminals who had been previously discharged by Her Majesty's Government, and who had been the subject of the late correspondence on the question of extradition, I have now the honor to inform you that further information has been received of the arrest of Brent, and of his surrender by Her Majesty's Government to the person authorized to receive and convey him to the United States.

It is understood that Winslow and Gray, the two other fugitives for whom warrants were also issued, have escaped from or are concealed in Great Britain, and cannot be found.

The representative of the United States in London has informed me of the sincere desire of Her Majesty's Government to cause their arrest, which, however, it has not been possible to effect.

Under these circumstances, and in accordance with the statements contained in my note of the 30th of October last, the President will now be ready to respond to any requisitions which may be made on the part of Her Majesty's Government under the tenth article of the treaty of 1842, and will hereafter make similar requisitions upon Her Majesty's Government, as heretofore, under the treaty, and will again regard the treaty as in full force, subject to the right reserved to either party to terminate the same pursuant to the eleventh article thereof.

I have great satisfaction in conveying to you this information, and in being able to state that no obstacles now exist in delivering up to justice fugitive criminals under the treaty of 1842, until such time as the two governments may be enabled to perfect and enter into a more comprehensive arrangement.

I have the honor, &c.,

HAMILTON FISH.

No. 155.

*Sir Edward Thornton to Mr. Fish.*WASHINGTON, *December 24, 1876.* (Received December 25.)

SIR: I have the honor to acknowledge the receipt of your note of yesterday's date, informing me of the arrest and surrender by Her Majesty's Government of the forger Brent, and that the other two fugitives, Winslow and Gray, for whom warrants were also issued, have escaped from, or are concealed in, Great Britain and cannot be found.

I beg to express my satisfaction that under these circumstances the President will again regard the tenth article of the treaty of 1842 as in full force, subject to the right reserved to either party to terminate the same pursuant to the eleventh article thereof.

I last night communicated to the Earl of Derby by telegraph the sub-

stance of your note above mentioned, informing him at the same time that the Government of the United States is now ready to make and to receive requisitions for the surrender of fugitive criminals as heretofore.

I have the honor, &c.,

EDWD THORNTON.

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No. 156.

*Mr. Cadwalader to Mr. Pierrepont.*

No. 77.]

DEPARTMENT OF STATE,  
Washington, December 27, 1876.

SIR: Upon the receipt of your telegram of the 23d instant, stating that Brent, having been delivered up, had sailed from Liverpool in the steamer Parthia, a note was addressed to Sir Edward Thornton, informing him of the fact of the surrender of the fugitive, and his departure for the United States, as well as that Winslow and Gray, for whom warrants had been issued, could not be found, and stating that the President would now be ready to respond to any requisitions preferred by Her Majesty's Government, and would hereafter make similar requisitions under the treaty, and regard the treaty as in full force, subject to the right reserved to either party to terminate the same pursuant to the eleventh article thereof. I informed you immediately of the substance of the note by telegraph, on its transmission on the 23d.

A copy of the note in question, and of Sir Edward's reply thereto is herewith inclosed.\*

At the same time a note was addressed to the British representative with reference to Maraine Smith, who has been held for a long time, as you know, and requesting his surrender.

\* \* \* \* \*  
Upon the 26th the British minister himself addressed the Department, asking that a warrant might be issued for the arrest and detention of one Alfred Brush, a fugitive from the justice of Canada, with a view to his extradition, and a warrant or mandate from this Department was issued the same day.

Extradition appears therefore to have been fairly re-established between the two countries under the tenth article of the treaty of 1842.

The President transmitted to Congress upon the 26th instant a special message with reference to extradition, accompanied by copies of the late correspondence on the subject. As soon as printed copies are obtained of the correspondence and message, copies shall be transmitted.

The President reviews the question, and announces that he will hereafter entertain and make requisitions for the surrender of fugitive criminals.

I am, &c.,

JOHN L. CADWALADER,  
Acting Secretary.

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No. 157.

*Mr. Fish to Mr. Pierrepont.*

No. 81.]

DEPARTMENT OF STATE,  
Washington, January 5, 1877.

SIR: By No. 77 from this Department, you were furnished with a copy

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\* See ante, documents Nos. 154 and 155.

of the correspondence which has taken place between myself and Sir Edward Thornton, concerning the resumption of extradition under the treaty of 1842, and since that time both governments have preferred demands, and the treaty may now be said to be again in full operation.

After this resumption had been effected, and upon the 26th of December, your No. 81 reached me, treating of the subject, and of the various causes which have led to the course pursued by the British Government.

You state that upon the receipt of my No. 15, under the date of August 5, setting forth the exact facts as to Lawrence's case, and correcting the misapprehension under which Lord Derby and the authorities in Great Britain had labored as to the prosecutions which had been instituted against him subsequent to his extradition, you were satisfied that extradition would be resumed under the old treaty.

It is probably true that some misapprehensions had existed as to what had actually taken place with reference to Lawrence, and doubtless the explanations made on this point assisted toward their removal, and may have been not wholly without influence in leading to a reconsideration of the position which had been assumed by Great Britain. If so, its operation was not speedy, as the instruction was read to Lord Derby the 23d day of August, and it was not until late in November that the British Government receded from the position it had taken.

You will perceive, also, that in the correspondence which actually led to the resumption of extradition no reference is made by Her Majesty's Government to this particular point, and I am inclined to think, while this matter may have contributed to the end attained, that Her Majesty's Government were not satisfied with the general position assumed by them on this question, and therefore did not rest their determination in changing upon so narrow a point. This is, of course, all the more creditable to Lord Derby and to the authorities who have contributed to this end.

In your No. 81 you also state that when Lawrence offered to plead guilty upon the charge of forgery, it was arranged that all other charges should be dismissed; that this arrangement was carried out, and that Lawrence plead guilty to the indictment for forgery, and after that no charges were pending against him. The actual conditions under which Lawrence did plead guilty, I understand to be, that when he plead guilty no charges were actually dismissed, but sentence was suspended against him. But it was understood that, when sentenced, no further penalty than a two years' sentence should be imposed in all. The matter remains *in statu quo*, sentence being still suspended and the charges against him not disposed of. Mr. Bliss, from whom information has been sought, agrees in this statement.

I am, &c.,

HAMILTON FISH.

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No. 158.

*Mr. Pierrepont to Mr. Evarts.*

No. 221.]

LEGATION OF THE UNITED STATES,  
London, August 22, 1877. (Received September 5.)

SIR: I have the honor to state that I find in this day's Morning Post the text of a commission lately appointed by Her Majesty for inquiring into the laws relating to the extradition of criminals, and that I inclose



a clipping of the same. Mr. Cross lately told me that there would be much embarrassment in making a treaty of extradition, which required special action of Parliament upon a convention with any particular state. I think that this commission is for the purpose of producing a change in the act of 1870, and also for the purpose of considering the whole subject of extradition. Until this commission reports, I do not think that any new treaty touching this subject is likely to be made. I shall watch the progress of this commission and keep you advised.

I have, &c.,

EDWARDS PIERREPONT.

[Inclosure.]

[From the Morning Post, Wednesday, August 22, 1877.]

THE EXTRADITION OF CRIMINALS.

WHITEHALL, August 20.

The Queen has been pleased to issue a commission under Her Majesty's royal sign manual to the effect following :

VICTORIA R.

Victoria, by the grace of God of the United Kingdom of Great Britain and Ireland Queen, Defender of the Faith: To our right trusty and well-beloved Councillor Sir Alexander James Edmund Cockburn, Bart., Knight Grand Cross of our most honorable Order of Bath, Lord Chief Justice of England; our right trusty and well-beloved Councillor Roundell, Baron Selborne; our right trusty and well-beloved Councillor Colin, Baron Blackburn, one of our lords of appeal in ordinary; our right trusty and well-beloved Councillor Russell Gurney, recorder of our city of London; our right trusty and well-beloved Councillor Sir Richard Baggallay, Knight, one of our ordinary judges of our court of appeal; our right trusty and well-beloved Councillor Sir William Baliol Brett, Knight, one of our ordinary judges of our court of appeal; our trusty and well-beloved Sir John Rose, Bart., Knight Commander of our most distinguished order of Saint Michael and Saint George; our trusty and well-beloved Sir James Fitzjames Stephen, Knight Commander of our most exalted order of the Star of India, one of our counsel learned in the law; our trusty and well-beloved Sir William George Granville Vernon Harcourt, one of our counsel learned in the law; and our trusty and well-beloved William Torrens M'Cullagh Torrens, esq., Bachelor of Laws, greeting :

Whereas we have deemed it expedient that a commission should forthwith issue to inquire into and consider the working and effect of the law and treaties relating to the extradition of persons accused of crime :

Now, know ye that we, reposing great trust and confidence in your knowledge and ability, have authorized and appointed, and do by these presents authorize and appoint, you, the said Sir Alexander James Edmund Cockburn; Roundell, Baron Selborne; Colin, Baron Blackburn; Russell Gurney; Sir Richard Baggallay; Sir William Baliol Brett; Sir John Rose; Sir James Fitzjames Stephen; Sir William George Granville Vernon Harcourt; and William Torrens M'Cullagh Torrens, to be our commissioners for the purposes aforesaid. And for the better effecting the purposes of this our commission, we do, by these presents, give and grant unto you, or any three or more of you, full power and authority to call before you such persons as you shall judge likely to afford you any information upon the subject of this our commission, and also to call for, have access to, and examine all such books, documents, registers, and records as may afford the fullest information on the subject, and to inquire of and concerning the premises by all other lawful ways and means whatsoever.

And we do, by these presents, will and ordain that this our commission shall continue in full force and virtue, and that you, our said commissioners, or any three or more of you, may from time to time proceed in the execution thereof, and of every matter and thing therein contained, although the same be not continued from time to time by adjournment.

And we further ordain that you, or any five or more of you, may have liberty to report your proceedings under this commission from time to time, if you shall judge it expedient so to do.

And our further will and pleasure is that you do, with as little delay as possible, report to us, under your hands and seals, or under the hands and seals of any five or more of you, your opinion upon the several points herein submitted for your consideration.

And for your assistance in the execution of this our commission we have made choice of our trusty and well-beloved George Edward March, esq., to be secretary to this our commission, and to attend you, whose services and assistance we require to use from time to time, as occasion may require.

Given at our court at St. James's the 18th day of August, 1877, in the forty-first year of our reign.

By Her Majesty's command,

RICHARD ASSHETON CROSS.

## GREECE.

No. 159.

*Mr. Read to Mr. Evarts.*

No. 259.]

LEGATION OF THE UNITED STATES,  
*Athens, April 12, 1877. (Received May 1.)*

SIR: I have the honor to inform you that I have succeeded in obtaining a satisfactory copy, in plaster, of a very ancient and remarkable Greek treaty, engraved upon a marble column, one portion of which was found sixty and the other two parts twenty days ago, in the course of the important excavations on the southern slope of the Acropolis which are being carried on by the Archæological Society of Athens, of which I am an honorary member.

This is the first inscription which has been discovered relating to the political life of Alcibiades, the brilliant kinsman of Pericles. It is my intention to present the plaster copy to the Department of State, as a pendant to the venerable treaty between the Athenians and the Chalcidians which I had the honor to send to the Department last year.

I have, &c.,

JOHN MEREDITH READ.

No. 160.

*Mr. Read to Mr. Evarts.*

No. 272.]

LEGATION OF THE UNITED STATES,  
*Athens, May 10, 1877. (Received May 28.)*

SIR: I have the honor to acquaint you with the remarkable fact that the arms of the celebrated Venus of Milo have been discovered within a few days in the island of Melos, at a distance of less than thirty feet from the place where the statue itself was found in 1820. The arms are exquisitely modeled. One hand holds a kind of disk or shield. The workmanship and the locality compel even the skeptical to acknowledge the authenticity of these wonderful relics.

I have applied to the Greek Government for permission to take a plaster cast, and if I am successful I shall pray the Department to accept the same with the Alcibiadean treaty, which I have nearly ready also to present to it. (See my No. 259.)

It is not a little singular that the news of the death of the finder of the famous Venus Victrix of Milo, now in the Louvre, has just reached Greece, at the moment when the other portions of that great work of art are being brought to light.

I have, &c.,

JOHN MEREDITH READ.

No. 161.

*Mr. Read to Mr. Evarts.*

No. 276.]

LEGATION OF THE UNITED STATES,  
*Athens, May 16, 1877. (Received June 7.)*

SIR: M. Stephen Coumanoudis, the learned secretary of the Archæological Society of Athens, having heard that an inscribed stone belonging to some ancient monument was lying neglected on the right bank of the Ilissus, southwest of the temple of Jupiter Olympius, hastened to the spot yesterday and, to his delight, discovered the remains of a marble altar with the following words:

This monument upon his advent to power Peisistratus the son of Hippias has dedicated in the temple of Apollo Pythias.

This is the identical monument mentioned by Thucydides as having been erected by Peisistratus, son of Hippias, and grandson of the tyrant Peisistratus; and this is the original inscription which the great historian thought worthy of being transferred to his immortal work. (See book vi, chap. 54.)

It is especially worthy of note that the letters which Thucydides mentions as obscure, are indeed roughly and feebly cut, and that, as in all the Attic inscriptions before the time of Euclides, instead of H there is E, and instead of the diphthong OV there is the simple O, and Y instead of YI. The discovery of this remarkable stone fixes the site of the temple of Apollo Pythias, which was hitherto unknown. This very important monument has been purchased by the Archæological Society and will be immediately transferred to the museum of Varvakion.

I have, &amp;c.

JOHN MEREDITH READ.

No. 162.

*Mr. Read to Mr. Evarts.*No. 302.] CORFU, GREECE, *July 11, 1877. (Received July 27.)*

SIR: Referring to a previous dispatch relating to the reported discovery of the arms of the Venus of Milo, I have the honor to state that I have since entered upon an extended examination of the subject, with the aid of important authorities which were not then at my disposal. The result may be briefly reduced to the following conclusions:

I. Several statues and several arms belonging to other ancient statues have been recently found at the Island of Milo or Melos; one of the latter, it is claimed, belongs to the Venus of Milo.

II. The latter arm was found on the site of what the discoverer believes to be the temple of the Venus of Milo.

III. If the site proves to be that of the above named temple, it may lead to the discovery of the niche wherein the Venus of Milo formerly stood, and solve the long-disputed question as to whether the Venus was originally associated with one or more other figures.

I have the honor to inclose a statement made to me by Mr. Nostrakis, on whose land the recent discoveries have been made. It will be noted with interest that this statement emanates from the family of one of

the inhabitants of the island who were engaged in the discovery of the Venus of Milo in 1820.

It may be worth while at this stage to trace the origin of the report of the recent finding of the arms. In passing I desire to remark upon the extreme difficulty of obtaining exact details in an agitated moment like the present from a remote locality in the archipelago.

As early as the first week in May what appeared to be reliable information was brought to me to the effect that the arms of the Venus of Milo had been discovered within ten yards of the spot where the famous statue had been found fifty-seven years before. In order to obtain copies of these relics for presentation to the Department, in case they proved valuable, I addressed myself, as reported in my previous dispatch, to the Greek Government. After some time I received a reply to the effect that there was no knowledge upon the subject in the possession of the Hellenic Government; but I was assured that inquiries would be instituted. In the mean time there appeared in all the Greek papers a statement setting forth that the arms of the Venus of Milo had been discovered in the island by members of the French Archæological School at Athens. This proved to be false, and it was then ascertained that the relics in question had been found by Mr. Nostrakis. Thereupon I obtained from the latter the information contained in the inclosure marked 1. I have the honor also to append—marked 2—a copy of a discourse delivered on the 13th of June last by M. Ravaisson, the well-known keeper of the antiquities in the Louvre, before the Academy of Inscriptions and Belles Lettres of the Institute of France. This valuable document I owe to M. Dumont, the distinguished director of the French Archæological School at Athens.

The "imaginary narrative," to which M. Ravaisson refers, was contained in a series of letters addressed to the Paris journal *Le Temps*, in 1873-74, by M. Jean Aicard. These letters were eventually published in a volume. In this book M. Aicard attempted to prove that both of the arms of the Venus of Milo were attached to the body when the statue was found, and that they were detached and broken in a struggle between the crew of a French vessel of war which was sent to receive the statue, and the crew of a Turkish vessel which had already gained possession of the wonderful relic.

It will be seen by inclosure 2, that M. Ravaisson denies that any such combat took place, and contends that there were no arms attached to the body when it was found. In support of this position, M. Ravaisson produced before the academy photographs of the drawings made from the statue at Milo at the moment of the finding of this splendid work of art. These designs were executed by M. Voutier, an officer on board the French vessel the *Estafette*, whose death was recently reported as having taken place at Hyères, in France. These sketches show the statue separated into two portions or blocks, *and without arms*, as the statue exists to-day in the Louvre. Consequently, M. Ravaisson does not believe that the arm holding an apple now in the Louvre, and which was found with the statue, ever belonged to the Venus of Milo. He goes further, and says: "Non seulement donc on n'a point retrouvé un des deux bras de la Vénus de Milo, mais il n'est pas probable qu'on les retrouve jamais ni l'un ni l'autre." Such is the deliberate opinion of a most learned expert. He denies that the arms have been found, and he does not deem it probable that they will be found. This, however, presents a point for further investigation, which can only be undertaken and decided by a learned and competent commission, such, as I am told by the famous and erudite secretary of the Archæological Society at Athens,

M. Coumanoudis, the Greek Government intends to send to the island of Milo for the purpose of examining critically all the discoveries there made. Should it prove that the arm in question does not belong to the Venus of Milo, the examination may nevertheless result in the acquisition of further interesting details, especially touching the remains, which the discoverer believes are those of the temple of the Venus of Milo. An exact account of the value to be attributed to the other marble figures recently found will also fix public attention. In any event, the results of this investigation will be looked to with eagerness, and it is to be hoped that nothing will occur to interfere with the sending of the government commission. I have, indeed, written again to-day to urge this. Since my endeavor to obtain a copy of the arm, the representative of another government has made a similar attempt. I shall succeed in getting a plaster cast, and, if the original proves to be of value, I shall hasten to present my copy to the Department.

I have been applied to by many of my countrymen for information upon this subject. I have not hesitated to impart whatever knowledge I possess, for the matter is one of general archæological interest, and does not in the slightest degree trench upon the domain of political discussion.

I shall hope to continue my report in future dispatches.

I have, &c.,

JOHN MEREDITH READ.

[Inclosure 1 in No. 302.]

*Statement of Mr. Nostrakis.*

In course of the excavations which we are carrying on in the island of Milo, we have found the following relics:

1. A statue of Neptune, perhaps of Roman origin, with an inscription.
2. A female statue with a little Cupid, of a good period of Greek art. The statue is without a head, but the Cupid is intact.
3. A bust, well-fashioned, and of a good period of Greek art.
4. A horse with a man on its back, both life-size and of Greek workmanship. The horse is without ears.
5. A statue of a woman with extended arms; natural size; Greek art.
6. Two or three heads, very well preserved, and of very fine transparent marble. It is supposed that the bodies belonging to the heads will also be brought to light.
7. Many arms, of Greek art.
8. *The left arm of the Venus of Milo*, and the hand, which is, however, cut off. The latter was found first, and the arm next. The arm terminates at the shoulder exactly at the spot where the left arm of the Venus of Milo is wanting. The hand was originally attached to the arm with an iron. The workmanship is exquisite, and I, Basil Nostrakis, am certain that it originally belonged to the Venus of Milo. The hand holds a mirror of marble, and is admirably executed. The spot where the arm was found is called *Clima*, near the western shore of the island.

During the researches a spring was discovered, which flows with such vigor as to retard the excavations. It seems to have its origin in an ancient aqueduct. The water is of the purest and best quality, and so abundant that nine workmen are employed in draining, and only two in excavating.

Fourteen years ago, the uncle of Theodore Nostrakis, John Saramaskos (a man who had much practice in antiquarian excavations, because he used to accompany English travelers to Candia and other parts for the sake of antiquarian researches), found in his garden, near the spot where the excavations are now being made, a large slab of marble. Having removed this slab, he found beneath it a flight of marble stairs. He did not then enter upon further explorations, but covered the place again, intending later to prosecute his inquiries. At the time of his death, ten years ago, he called his nephew, my father, Mr. Theodore Nostrakis, to him, and told him to excavate at the place where the slab was, near a mulberry tree. My father did not exactly get hold of the place where this slab was situated, and excavated below the real place; and, although he spent a great deal of money, he did not succeed in finding anything. But lately, six weeks ago, my father (who had received the place or garden as a dowry), while digging for cultivating purposes, found, by chance, indications of ancient

statues, and discovered the statue of Neptune. A portion of the head was unfortunately knocked off by the pick-ax.

The directions of the deceased were now recalled, and excavations were begun *above* the mulberry tree, and not *below* it, as before. The slab and the staircase, however, have not yet been found. We are about to transfer to that place the proper instruments for draining, and then shall proceed to excavate upon a larger scale.

It is supposed that the place where these discoveries were made is the spot whereon the temple of the Venus of Milo anciently stood, because of the different pieces of columns found there, and moreover the original statue was found in a place which it appears was not its proper location.

#### DISCOVERY OF THE VENUS OF MILO.

Anthony Bottonis owned land about five or ten minutes distant from the place where the present excavations are carried on. Eustrate Saramaskos, nicknamed Anticoyannis, was engaged by him one day to gather some stones for some arrangements in his field. There, by chance, he found the statue. Not knowing its value, he sold it to the French consul, M. Brest, for 200 piastres, about 170 francs. The same Eustrate Saramaskos discovered the place where excavations are now being made, and which is supposed to be the site of the temple of Venus.

The statue was found in a kind of a cave or trench, covered with a heap of stones, and that accounts for its being injured in different places, especially the nose. The cave is to be seen at the present time.

My aunt used to say that there were found at the same time two arms, which had traces of an iron screw in each to attach them to some statue.

The theater is half-way between the present excavations and the spot where the Venus of Milo was found in 1820.

Excavations have not yet been carried out to a sufficient extent to trace the different parts of the supposed temple of Venus, and therefore nothing can be said as to the place on which the statue might have stood.

In the theater a series of stairs of marble is to be seen, but no seats or statues.

The man still lives, named Anthony Bottonis, who was with the uncle of Mr. Theodore Nostrakis, who discovered the statue of the Venus. He was the man who took out the statue; of course he was assisted by others. Neither of them had any idea of its value.

My father, Mr. Theodore Nostrakis, has made excavations in different parts of the island in the vicinity of Clima; but, at the present time, there are none being prosecuted except those above referred to.

Some nine months ago, the French school sent to Melos some of its scholars to excavate; but they did not find anything. They excavated at Tripete, a quarter of an hour's distance from the place where the statue was found. They also excavated in some other places, at two, three, and four hours' distance. They only excavated for a month, and without any success.

[Enclosure 2 in No. 302.—Translation.]

*Remarks of Mr. Ravaisson, made before the Academy of Inscriptions and Belles Lettres on Friday, June 8, 1877. Extracted from the Journal Officiel of the Republique Française.*

WEDNESDAY, June 13, 1877.

Mr. RAVAISSON. Several newspapers have recently announced that the members of the school at Athens have just discovered in the island of Milo a marble arm holding a looking-glass, and that this fragment belongs to the celebrated statue preserved at the Louvre. This assertion, which up to this time has not been justified, seems to have its origin in an "imaginary narrative" recently published. According to this narrative the Venus of Milo, after its discovery, was mutilated in a combat which took place between the French seamen and the inhabitants, and there was a probability of finding its arms in the vicinity of the struggle.

It appeared from the authentic discourses of Dumont d'Urville, of Marcellus, from letters exchanged between our agents in the east, which were communicated to the Academy by M. de Vogüe, that the combat was only a fable, and that the Venus of Milo when excavated was in the same state as it arrived at the Louvre. I give a new proof to-day. Here is a photograph of the drawings made from the statue at Milo, at the moment of its discovery by Mr. Voutier, then an officer on board of the Estafette. These sketches, which were transmitted to me by their author, represent the statue separated into two portions, without arms, as it now is. This is undeniable evidence of this fact, already so well established and vainly contested, that the Venus of Milo no longer had its arms when it was deposited in the vault, undoubtedly more than twelve centuries ago, and whence it was not to be taken out until 1820. Not only has one of the two arms of the Venus of Milo not been recovered, but it is not prob-

able that either will ever be recovered. The recovered arm is said to have held a looking-glass. The researches and arguments which I have submitted to the Academy have proved, I think, that the statue was grouped with a Mars in such a way that it could not have held in its hand either a looking-glass or any other object. There are some objections raised against this demonstration, viz, that the Greeks did not group Mars with Venus, as the Romans did. But, not to speak of various monuments, undeniably of Greek origin, where Mars and Venus form a group, among others the great archaic base of the candelabrum preserved at the Louvre, these two deities are united, and also Eros, upon a painted vase at the Louvre, in a scene representing an episode of a combat between the Olympus and the Titans. This vase, which has been recently added to our collections, is from the island of Milo.

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No. 163.

*Mr. Read to Mr. Evarts.*

No. 307.]

ITALIAN STEAMER CARIDDI,  
*Off Corfu, Greece, July 24, 1877.* (Received August 13.)

SIR: I have had the good fortune to find upon this steamer my friend M. Dumont, the distinguished director of the French Archæological Institute at Athens, who has brought to my notice a most important discovery which was made only last week at Sparta, a small village on the southern side of Mount Hymettus, at the distance of two hours' drive from Athens. Some time ago the attention of M. Dumont and of M. Ernest Curtius, the learned German archæologist, was directed to several ancient tombs lying upon the side of a small hill in the midst of a great plain near Sparta. An investigation showed that there were three chambers in the tomb, which these gentlemen especially examined. These chambers were hollowed out of the friable stone of the hill, which may be cut with a knife when it is fresh, but hardens upon exposure to the air. The top of the principal chamber had fallen inward, and M. Dumont and M. Curtius descended by means of ladders. They found that the principal chamber communicates by corridors with two other chambers, the one smaller than the other. The largest chamber was perhaps 12 by 15 feet. The arrangement was entirely that of the Etruscan tombs whose remains exist to-day in ancient Etruria. It is the belief of M. Dumont that, in accordance with the general plan of such tombs, there must be other tombs on other sides of this hill. A detailed account of these valuable preliminary researches was published in the Journal of the German Archæological Institute at Athens, and in the Bulletin de Correspondance de l'École Française, at Athens, page 261.

These important indications led the Archæological Society at Athens also to turn its attention in this direction, and it dispatched M. Stamatakis, the exact and conscientious assistant keeper of antiquities in Greece, to make excavations on the spot. This wise movement has resulted within the last week in a most important and precious discovery, which confirms in the most conclusive manner the antiquity of the objects discovered by Dr. Schliemann, at Mycenæ, for M. Stamatakis has found upward of two thousand objects whose appearance and decorations resemble exactly the relics of Mycenæ. By the side of these were found other objects, which M. Dumont states are unquestionably of Assyrian origin.

There are ten ivory ornaments, of perhaps an inch and a half by an inch and a quarter in size, upon which there are various designs in relief. Four represent the Sphynx, two depict a fight between a lion and a bull, and one contains the figure of an Assyrian king. There are about one

thousand glass or *pâte de verre* ornaments, and fifty different subjects in relief are found upon them. Nearly all of these resemble the types at Mycenæ.

The glass ornaments are smaller than the ivory, and they were all originally covered with a thin sheet of gold, which rendered distinctly the figures beneath them. These resemble similar forms at Cyprus, but in the latter locality the objects were of solid gold. Some of the thin gold-leaf coverings of these glass ornaments have also been found in the tomb at Sparta. I have said there were three chambers in this tomb. \* \* \* The smaller chambers had evidently been previously entered, and it is supposed that the solid golden objects which they must have contained were taken by the peasants in the vicinity. The glass ornaments probably possessed no value in their eyes, which accounts for their remaining. No inscriptions were found.

The importance of the discoveries at Sparta cannot be overestimated, when taken in connection with those at Mycenæ.

I have, &c.,

JOHN MEREDITH READ.

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## HAWAIIAN ISLANDS.

No. 164.

*Mr. Peirce to Mr. Fish.*

No. 372.]

LEGATION OF THE UNITED STATES,  
*Honolulu, Hawaiian Islands, October 1, 1876.* (Received Oct. 26.)

SIR: The proclamation of the President of the United States, giving effect, on the 9th ultimo, to the reciprocity convention between the United States and Hawaii, was received here on the 21st September. I also received by the same mail a letter from Collector Shannon, San Francisco, giving a copy of a telegram addressed to him by the Hon. William Hunter, dated Washington, September 11, 1876, requesting him to inform me of the following message: "Treaty proclaimed; advise consul. Invoices in future will require certificate that goods are production of Hawaiian Islands." In compliance therewith the United States consul was immediately notified, and will govern himself accordingly.

Inclosed herewith is the published proclamation of King Kalakaua, dated the 26th September, extracted from the Hawaiian Gazette of the 27th, declaring the said reciprocity convention to have taken effect in this kingdom on the 9th September, 1876, corresponding to the time fixed by the President's proclamation for its going into operation in the ports of the United States.

I am, &c.,

HENRY A. PEIROE.

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[Inclosure.]

[From the Hawaiian Gazette, September 27, 1876.]

The proclamation of King Kalakaua, corresponding in its tenor to that of President Grant, announcing the ratification of the treaty of commercial reciprocity, and fixing the date when it became operative here, September 9, 1876, will be found in its appropriate column.

Under this proclamation the cargo of the bark *Cyane*, which arrived on the 18th instant from San Francisco, was the first to obtain free entry, and that of the mail-steamer



City of New York was the second: At the above-named port the bark Lunalilo, which arrived on the 11th, was the first free entry, followed soon after by the D. C. Murray and Mary Belle Roberts.

*By authority.*

[Coat of arms of Hawaii.]

PROCLAMATION.

Whereas, by our proclamation dated the 17th-day of June last, the convention with the United States of America, ratified by ourselves on the 17th day of April, 1875, and by His Excellency the President of the United States of America on the 31st day of May, 1875, was made public by us, to the end that it and every clause and article thereof may be observed and fulfilled with good faith by every person within our kingdom; and Whereas we did therein proclaim that the "said convention shall go into effect as soon as intelligence is received that the Government of the United States has made the necessary provisions for carrying it into operation"; and

Whereas, by a proclamation of His Excellency the President of the United States of America, dated the 9th day of September, in the year of our Lord 1876, it appears that the Government of the United States has made the necessary provisions for carrying the said convention into operation, and that the Acting Secretary of State of the United States and His Majesty's envoy extraordinary and minister plenipotentiary at Washington have recorded a protocol in a conference had by them at Washington on the 9th day of September, 1876, in the following language:

"Whereas it is provided in article V of the convention between the United States of America and His Majesty the King of the Hawaiian Islands, concerning commercial reciprocity, signed at Washington on the 30th day of January, 1875, as follows:

"ARTICLE V. The present convention shall take effect as soon as it shall have been approved and proclaimed by His Majesty the King of the Hawaiian Islands, and shall have been ratified and duly proclaimed on the part of the Government of the United States, but not until a law to carry it into operation shall have been passed by the Congress of the United States of America. Such assent having been given, and the ratifications of the convention having been exchanged, as provided in article six, the convention shall remain in force for seven years from the date at which it may come into operation; and, further, until the expiration of twelve months after either of the high contracting parties shall give notice to the other of its wishes to terminate the same, each of the high contracting parties being at liberty to give such notice to the other at the end of said term of seven years, or at any time thereafter;" and

Whereas the said convention having been approved and proclaimed by His Majesty the King of the Hawaiian Islands, and having been ratified and duly proclaimed on the part of the Government of the United States; and

Whereas an act was passed by the Senate and House of Representatives of the United States of America in Congress assembled, entitled "An act to carry into effect a convention between the United States of America and His Majesty the King of the Hawaiian Islands," signed on the 30th day of January, 1875, which was approved on the 15th day of August in the year 1876; and

Whereas an act was passed by the legislative assembly of the Hawaiian Islands, entitled "An act to carry into effect a convention by His Majesty the King of the Hawaiian Islands and the United States of America," signed at Washington on the 30th day of January, 1875, which was duly approved on the 18th day of July, in the year 1876; and

Whereas ratifications of the convention having been exchanged, as provided in article VI, the undersigned, William Hunter, Acting Secretary of State of the United States of America, and the Hon. Elisha H. Allen, chief justice of the supreme court, and the chancellor of the kingdom, and member of the privy council of Hawaii, and His Majesty's envoy extraordinary and minister plenipotentiary to the United States of America, duly authorized for this purpose by their respective governments, have met together at Washington, and having found that the said convention has been approved and proclaimed by His Majesty the King of the Hawaiian Islands, and has been ratified and duly proclaimed on the part of the Government of the United States, and that the laws to carry the said treaty into operation have been passed by said Congress of the United States of America on the one part, and by the legislative assembly of the Hawaiian Islands on the other, hereby declare that the convention aforesaid, concluded between the United States of America and His Majesty the King of the Hawaiian Islands on the 30th day of January, 1875, will take effect on the day aforesaid:

Therefore, in pursuance of the premises, we do hereby declare the said convention to have taken effect from the 9th day of the present month of September.

In witness whereof we have hereunto set our hands and caused the seal of our kingdom to be affixed this 26th day of September, A. D. 1876.

[SEAL.]

By the King:

W. L. GREEN,

*Minister of Foreign Affairs.*

KALAKAUA, R.

No. 165.

*Mr. Pierce to Mr. Evarts.*

No. 389.]

LEGATION OF THE UNITED STATES,  
*Honolulu, Hawaiian Islands, April 13, 1877. (Received May 15.)*

SIR: His Royal Highness Prince William Pitt Leleiohoku, brother of King Kalakaua, and heir-apparent to the throne of Hawaii, died in this city on the 10th instant, at the age of twenty-two years and three months. An obituary notice and a photograph likeness of the deceased prince is herewith inclosed, marked No. 1. The Hawaiian people mourn over the event with the most profound sorrow. Of correct morals, well educated and accomplished, the late prince promised to become, had he lived to ascend the throne, a wise and popular sovereign.

Inclosed herewith, marked No. 2, is a copy of a circular note dated April 12, received from the minister of foreign affairs, informing the legation that His Majesty the King had appointed his sister, Princess Lydia Kamakaeha Liliaokalau, successor to the throne upon His Majesty's decease without issue.

Princess Lydia is the wife of John O. Dominis, governor of (this) island of Oahu, and a native of Oswego, State of New York, and who accompanied the King on his late tour to the United States.

\* \* \* \* \*

With great respect, &amp;c., &amp;c.,

HENRY A. PEIRCE.

[Inclosure No. 2 in No. 389.]

*Mr. Carter to Mr. Peirce.*DEPARTMENT OF FOREIGN AFFAIRS,  
*Honolulu, April 12, 1877.*

SIR: I have the honor to inform you that it has pleased His Majesty the King to appoint, with consent of the nobles, agreeably with article 22 of the constitution of the kingdom, his sister, Her Royal Highness Princess Lydia Kamakaeha Liliaokalau, to be his successor on the throne upon His Majesty's decease without issue, and to order that Her Royal Highness shall be publicly proclaimed this day.

With the highest respect and consideration, &amp;c., I have, &amp;c.,

HENRY A. P. CARTER.

His Excellency H. A. PEIRCE,  
*United States Minister Resident.*

No. 166.

*Mr. Peirce to Mr. Evarts.*

No. 392.]

LEGATION OF THE UNITED STATES,  
*Honolulu, Hawaiian Islands, May 29, 1877. (Received July 6.)*

SIR: Inclosed herewith is copy of a note from Mr. Carter, the Hawaiian minister of foreign affairs, dated May 24, instant, informing the legation that His Majesty's chargé d'affaires in London had been instructed to give notice to the British Government of the desire of this government to terminate the fourth, fifth, and sixth articles of the treaty of 1852 between the two countries, and that said notice is now given, for the purposes set forth in the seventeenth article of said treaty.

Mr. Carter verbally informs me that this government is quite willing

to consent that the treaty referred to shall remain intact, provided the British Government withdraws its demand for the enjoyment of the same rights and privileges as those granted under the reciprocity treaty between the United States and Hawaii. It will be observed that the British commissioner, in making the demand in question, did not propose to give any equivalent or compensation for the enjoyment of the rights demanded.

Very respectfully,

HENRY A. PEIRCE.

[Inclosure.]

*Mr. Carter to Mr. Peirce.*

DEPARTMENT OF FOREIGN AFFAIRS,  
*Honolulu, May 24, 1877.*

SIR: I have the honor of informing you that, by the outward mail of the 23d instant instructions were sent to His Majesty's chargé d'affaires at London to give notice to the Government of Her Britannic Majesty of the desire of this government to terminate the fourth, fifth, and sixth articles of the treaty between Great Britain and the Hawaiian Islands of 1852, in accordance with the provisions of the seventeenth article of that treaty. His Majesty's chargé d'affaires was instructed to inform Her Britannic Majesty's government that such notice is given without prejudice to any effect which former notices given the British Government may have on those articles, or any rights which this government may have acquired thereby, and this government does not intend by such notice to imply that the termination of such articles is necessary to the exercise of its full right to make treaties of reciprocity, or to make exemptions under such treaties for satisfactory compensation, without thereby rendering itself liable under such articles to make the same exemptions to other nations without compensation; and, further, that as such notice is now given for the purposes set forth in the seventeenth article of that treaty, it is the hope of His Majesty's Government that the opportunity now offered of treating and agreeing upon such other arrangements as may tend still further to the improvement of their mutual intercourse may be so fortunately employed that this notice may be withdrawn or that the articles may be replaced by others, under which the relations of the two nations may be placed upon a still better footing.

I regret that circumstances prevented my giving you this information before the mail left. Please accept the renewed assurances of high respect and consideration, with which I have the honor to be, &c.,

Your excellency's, &c.,

HENRY A. P. CARTER.

His Excellency HENRY A. PEIRCE,  
*United States Minister Resident.*

No. 167.

*Mr. Peirce to Mr. Evarts.*

No. 393.] LEGATION OF THE UNITED STATES,  
*Honolulu, Hawaiian Islands, May 31, 1877. (Received July 6.)*

SIR: I have the honor to inclose herewith two official printed copies of a proclamation of neutrality on the part of this kingdom in regard to the war existing or impending in Europe. It was published in the Hawaiian Gazette of yesterday, May 30. A copy in manuscript was forwarded to me by the minister of foreign affairs on the 26th instant, with a request for my opinion on the proclamation.

In my reply, under date of the 28th instant, I said to Minister Carter that the measure proposed seemed to me legal, wise, and judicious, and I suggested that, in view of the fact of the large number of vessels sailing under the Hawaiian flag and register, this government should take the present occasion to again proclaim its adhesion to the humane

and enlightened principles and rules of war and neutrality agreed to by the convention of July 22, 1854, between the United States and Russia; that His late Majesty Kamehameha IV, by advice and consent of his cabinet and council, adopted said rules on the 26th March, 1855, but that no action had since been taken by this government to make those principles and rules permanent and immutable by a convention.

The publication of the King's proclamation was no doubt hastened by the fact of the arrival here, since the 29th instant, of the Russian admiral Pouzino, with three ships of war under his command, and others are expected to follow. They are from San Francisco, and to sail in a few days for the Occident.

Admiral Pouzino called upon me yesterday and I shall return his visit to-morrow.

With great respect, &c.,

HENRY A. PEIRCE.

[Inclosure.]

[Coat of arms.]

PROCLAMATION.

KALAKAUA, by the grace of God, of the Hawaiian Islands, King:

Whereas a state of war unhappily exists or may be pending between certain European powers; and whereas the kingdom of the Hawaiian Islands is on terms of friendship with all nations, and its laws impose upon all persons who may be within its territory and jurisdiction the duty of an impartial neutrality in time of war:

Now, therefore, we, Kalakaua, by the grace of God King of the Hawaiian Islands, do hereby declare and proclaim the neutrality of this kingdom, its subjects, and of all persons within its territory and jurisdiction, in the war now existing or impending between the great powers of Europe; that the neutrality is to be respected by all belligerents to the full extent of our jurisdiction, including not less than one marine league from the low-water mark on the respective coasts of the islands composing this kingdom, and also all its ports, harbors, bays, gulfs, estuaries, and arms of the sea cut off by lines drawn from one headland to another; and that all captures and seizures, enlistments, or other acts, in violation of our neutrality, within our jurisdiction, are unlawful.

We do hereby further declare and proclaim that our subjects and all persons within the territory and jurisdiction of this kingdom, and all vessels registered or sailing under the flag thereof, are hereby strictly enjoined to take no part, directly or indirectly, in said war, and that whatever privileges shall be accorded to the vessels of one belligerent within the ports of this kingdom shall be in like manner accorded to the vessels of the others.

Done at our palace of Honolulu this 29th day of May, A. D. 1877.

KALAKAUA R.

By the King:

HENRY A. P. CARTER,

*Minister of Foreign Affairs.*

HAYTI.

No. 108.

*Mr. Bassett to Mr. Evarts.*

No. 503.]

LEGATION OF THE UNITED STATES,  
*Port au Prince, Hayti, May 28, 1877. (Received June 19.)*

SIR: On the 8th instant President Canal submitted to the National Assembly his message, which was only last week printed for distribution. It was read before the Assembly and a crowded audience by the

ministers of state, each reading that portion of it which related to his particular department. The reading of the message occupied about five consecutive hours, and, printed in small but wretched type, it makes one hundred and twenty-three octavo pages. It claims to be a frank, detailed *exposé* of the situation of the country, and in this sense some portions of it appear to merit attention.

The policy of President Canal, who will profit by the experience of his predecessors, evidently is to march in harmony with the legislative body at any cost, and the danger, if any there be, seems for the present to be that in adhering strictly to this policy he may allow the executive to run into an inactivity which in this country may beget a species of contempt for its authority. This controlling idea in President Canal's policy runs through the message and crops out at almost every paragraph.

Every question and every matter is referred to the legislative body for its decision, though the executive sparingly promises to avail itself of its constitutional prerogative of taking the initiative in regard to certain measures of public importance.

The introductory remarks (inclosure A) are the key-note to the message. The assurance of the obedience of the executive to the legislative power; the picturing of the truly deplorable condition of the country, due, it is claimed, to the preceding administration; the announcement of a new and more acceptable procedure in regard to political offenses; happy suggestions as to internal advancement, especially as to agriculture; the favoring of immigration, of lightening the burdens of taxation to the producer, of inculcating a patriotic regard for the public welfare, are all rapidly, but in an intelligent, liberal spirit, touched upon in the introduction. And then comes the chapter on foreign affairs, in which, of course, centers the chief interest of the message. I send herewith inclosed (B) a careful translation of that chapter, and I respectfully commend it to your perusal.

The chapter, after referring to "numerous difficulties, the greater part of which still await a just solution," in flattering terms to the conduct of the foreign representatives accredited here, in contradictory phrase but pleasing spirit to good relations with other powers, favorably to the augmentation of the foreign diplomatic and consular corps, to the exchange of letters with chiefs of states, without, however, making mention of the letter of his excellency the President of Liberia, comes to an explanation relative to the French debt, and to the so-called law declaring null and void the acts of the Domingue Government. (See my No. 476, of January 28, 1877.) A brief defense of that so-called law, and the executive's proceeding touching it, is advanced, and much to my satisfaction, care is taken to make prominent the leading idea expressed in Department's No. 288, of February 21, 1877.

Then the important subject of the misunderstanding with France, growing out of the loan contracted by this government at Paris in 1875, is taken up. The details given under this head are not only interesting, but they fully confirm the statements of my Nos. 477, 483, and 490 to the Department. President Canal, fully recognizing that the difficulty is a real one, ventures delicately to put the responsibility for it upon the legislative body, and to express the hope that it may be shown that "good faith and honesty are not yet banished from Hayti." The references to the greater of two English reclamations (see my No. 469 of September 9, 1876) are somewhat spirited, and lead to a proposal for an international arbitration in regard to it.

I doubt, however, whether it is a proper case for such an arbitration,

but the matter has already been referred to Lord Derby by my British colleague, Major Stuart. Announcement is made of a purpose to take up again negotiations, at Washington, touching the island of Navassa. The fair promise given me to support the Winchester and the Henvelman, Haven & Co. claims (see inclosure L to my No. 496) is disposed of in the message by simply calling the legislature's attention to them, though, in the original, the future of that verb is used, as if President Canal intended to return to the subject.

Occasion is taken in speaking of the case of a vice-consul of Denmark and the Netherlands to read a lecture on the rights of consular officers, and the chapter ends with a lengthy statement on the relations between Hayti and Santo Domingo. The statement is well worthy of perusal, on account of the degree of apparent frankness with which it traces Hayti's policy toward Santo Domingo.

It is claimed that the idea of Haytian domination over the whole of this island has given way to that of inalienability of territory; that Hayti wishes for good relations with the sister republic, to see her progress in prosperity and civilization, and that she respects the independence of that republic; but at the same time Hayti, without consulting the wishes of her neighbor, has taken it upon herself in effect to declare null and void the treaty of November 9, 1874, between the two republics, on the ground that it was concluded and signed with the Domingue administration; and now the message proposes to consider the revision of the treaty, as if Hayti alone could at her sole will throw off and take up again with Santo Domingo obligations which as much concern the latter as the former. In my opinion Hayti has never yet fairly abandoned the idea of being able in some way to influence or control to some extent the politics and destinies of the neighboring republic. But notwithstanding the views just expressed, the allusion to "knowledge of the men that are in power in the east," the invocation to "let our attention constantly bear upon the government established in Santo Domingo," the proposal to "extend to it a fraternal hand if it is desirous as we are to maintain in their fullness these great principles of territorial inalienability which we proclaim," and notwithstanding it is written with an air of frankness which, in my opinion, the conduct of this government toward that republic does not justify, there is a vein of good sense, candor, and friendliness running through this part of the chapter on foreign affairs which upon its face would commend it to favorable consideration.

Interest in the message naturally drops as it leaves the chapter on foreign affairs. But there are some few points worthy of attention in the chapter on finance and commerce which follows. Therein are discussed several propositions for opening institutions of credit, and notably for the establishment of a national bank, upon which point President Canal wisely remarks that as soon as the true financial obligations of the republic are known, and the method fixed upon for paying such of them as may be recognized to be legitimately due, this unequivocal attestation of the national good faith will inspire confidence and sound the hour for the establishment of a bank. In regard to the French debt, it is stated that after the end of the present year there will remain of the debt to be paid \$46,863.28 for each quarter during the years 1878, 1879, 1880, 1881, and 1882, and \$41,823.63 for each of the quarters of the year 1883, making together as the sum that will be due to France after December 31, 1877, \$1,157,899.75.

Touching the sinking fund (*caisse d'amortissement*; see inclosure I to No. 496, to the Department), the statement is made that the sum

encased to that object from December 1, 1876, to April 26, 1877, was \$289,728.86, against which have been drawn—

To settle arrears of the French debt.....	\$146, 772 67
To pay the current French debt .....	30, 000 00
To pay indemnities.....	9, 182 71
To pay on Salnave debts .....	4, 691 70
	190, 647 08

leaving at the date last named a balance of \$99,081.78. This last sum was to be allowed to augment until June 1, 1877, and then the second disbursement among the creditors is to be made. It is proposed to replace the 20 per cent. additional duty on exports by an additional duty on imports, which will produce a corresponding revenue, to cause all the customs duties hereafter to be paid promptly in cash, and to have the state's employés punctually paid their salaries. President Canal also promises to make to the legislature at an early day some special recommendations to improve the financial situation. But, on the whole, the chapter is neither as explicit as it might be, nor very satisfactory.

The remaining chapters on war and marine, on the interior, on agriculture, on public instruction, on justice, and on worship, possess less of interest even than the one on finance and commerce.

But, under the head of agriculture, mention is approvingly made of contracts entered into for the building of a bridge and a wharf at Cape Haïtien, and for the construction of a railway in Port au Prince and its environs (see my No. 419 of January 19, 1876), both of which represent American interests. And in the chapter on worship the subject explained in my No. 501, of the 10th instant, is quite frankly spoken of.

There are some other points in these chapters which may prove somewhat suggestive, and to which I may have occasion to invite your attention in these dispatches.

A custom of this country requires that the National Assembly (the two houses of the Corps Législatif in joint session), to whom the message is addressed, should make a response thereto. It is expected that this response will be made during the first week in June proximo. When it shall have appeared in print, I shall not fail to put you in possession of such portions of it as may seem to be worthy of your notice.

I am, &c.,

EBENEZER D. BASSETT.

[Inclosure A in No. 503.—Translation.]

#### MESSAGE OF THE PRESIDENT OF HAYTI.

The President of Hayti to the National Assembly :

MESSIEURS LES SÉNATEURS, MESSIEURS LES DÉPUTÉS: When a chief of state, on the occasion of his election, has had, as I, the favor of the freest and least-sought vote that comes from a political assembly; when faithful to his origin he continues to draw his strength from the enlightened sympathy of the citizens, he sees, without embarrassment and without trouble, take place these solemn meetings, when the mandatories of the nation enter into communication with him.

I shall never consider it as a cause of weakness or irksomeness to my government, it shall be, contrarily, its title of honor always to be attentive to the authorized word of the National Assembly.

The circumstances of the moment, in default of a fixed conviction in the efficacy of the parliamentary system in Hayti should commend this line of conduct, which is altogether in conformity with the principles of the constitution of 1867.

More than one personal government has already sorrowfully marked its passage in affairs, but the last one—a self-styled instituter of progress—which has just fallen under the weight of the contempt of the nation, seems to have lost the spirit of government, in that it was without counterbalances and without control. To repair the evils which it caused to the country public opinion rightly demands the loyal essay of a government of legality and of free discussion.

The wisdom of the National Assembly, as well as my respect for its constitutional prerogatives, will contribute to the realization of this national wish.

The question is to find solutions, which may not be expedients, to the painful problems placed before the nation by a political and financial disorder of twenty months; new charges figuring by the millions; nearly all the social existences overthrown, and this overthrow creating a misery of which it would be wise to anticipate the enervations or the despondencies; the victims of despotism asking for help; particular interests injured, formulating demands of indemnities amounting to hundreds of thousands of dollars; a mass of litigious questions to be examined; frauds and extortions to be unmasked; processes to be commenced or shunned; all the public services disorganized; a considerable deficit in prospect, caused by the decrease of production and consumption; the public treasury involved; the state more miserable and more sued than ever; such is our situation!

It redounds only to the shame of those who are the authors of it. It has ruined our public credit. It has inflicted upon us the regret of a diplomatic difficulty with the government of the French republic.

The National Assembly, soon enlightened on the question of the loan, will take a decision based upon respect for international law, and by the aid of which my government may renew relations with the government of a great nation whose friendship and kindness toward the Haytian people have never failed.

In such a moment of trials for the nation, partisans of the fallen government who remained in Hayti on the faith of the clemency of the revolution have not hesitated to concoct plots against the republic. It is to their perfidious propaganda and to their instigations that must be attributed the first attempt by main force, which took place December 25, 1876, at Cape Haitien. It completely failed before the attitude of the military authorities and the population.

At the capital the conspirators were a long while prepared, and, always on the lookout for a favorable occasion, they thought to have found it in the evening of February 23. The military authorities, although without uneasiness as to the results of a conflict, could not give up the capital to the painful emotions of a conflict in the streets. They preferred to notify the conspirators in arresting them.

At Cape Haitien, as well as at Port au Prince, all the legal forms were observed, and the accused were delivered to their proper judges.

In the portion of the message relative to the department of justice, other explanations will be made on these arrests and on the procedure of which they were the object.

I will observe that my government, less as an act of generosity than as a consequence of the liberal principle to which it obeys, to-day gives the guarantees of that which in other times, and yesterday also, was denied to the accused, an arrestation without violence, a preventive detention without torture, the liberty of the defense, the impartiality of the judgment, the independence of the verdict.

It is not to be dissimulated that the scrupulous observance of legality leaves professional conspirators sometimes unpunished, trained as they are in the tactics of legal interrogations; but what is such an inconvenience in comparison with the necessity of forming the political education of the people, by accustoming them to see sound principle respected even by those who have always heretofore crushed principle under foot?

My government, notwithstanding that it has been preoccupied with the care of maintaining order and of facing the financial embarrassments, has not the less given its attention to the grand question of organization.

Nearly all the administrative services need reforms. Celerity and the spirit of intelligent labor must be introduced where routine has developed a force of inertness and a bureaucratic indifference which are the stumbling-blocks of good purposes.

The army will be reorganized on a plan which realizes two good things, an economy in expense and a solid military instruction.

It is proper from the present to think of ameliorating and augmenting our production. Let us occupy ourselves, then, with the producter himself.

The reform of our system of taxation would render his position better; but while entering resolutely on this path, we must abstain from diminishing the receipts, which hardly suffice for the expenses already obligated.

Why should we not endeavor to render the national labor more intelligent, and, in consequence, more powerful and productive?

Let us assure the future of childhood and of youth by good schools, among which



can be counted practical schools of agriculture in the country, and of arts and of trades in the cities.

As for the laborer of mature age, as for the grown-up man, who can no longer sit on school-benches, a practical institution can be found in model farms, where, under his eyes, can be put in operation the best agricultural processes.

Let us favor among us the introduction not only of agricultural immigrants, but of capitalists disposed to establish vast rural cultivation. This would be an increase of material and of intellectual capital.

The view of the happy effects of an improved agriculture and contact with men of a more advanced civilization would open to the circulation of new ideas the intelligence of the working classes, while good roads would facilitate the circulation of their products.

I would secure to the people the benefit of some handsome and powerful creations favorable to their advancement. I invite to such a work all citizens who have a good idea to express. It seems to me that in this, and in many other things, the initiative of the state should be exerted to excite to action the intellectual and moral energies of society and not to divert citizens from all effort and from all foresight. Such are the true conditions of modern liberty.

Also, my government is far from being contrary to the institutions which assure and protect local liberties. It will give its help to the municipal councils and to those of arrondissements. And if it succeeds in making the public good the grand affair of everybody, it will have found the true foundations of order, and have shut up the era of sterile revolutions.

The message, by the ministerial departments, will put the National Assembly in the possession of other important facts, as well as of the details of different branches of the public service.

[Inclosure B in No. 503.—Translation.]

#### CHAPTER ON FOREIGN AFFAIRS OF THE MESSAGE OF THE PRESIDENT.

An illegal and arbitrary government does not impose itself on a country without leaving grievous marks of its passage in affairs, or without contributing to create for the future litigious questions whose solution has a considerable influence on its relations of peace and of good friendship.

The department of foreign affairs has cruelly felt the effects of this truth. My government, at a time when its solicitude ought to be applied to the relief of our miseries, has often been obliged to suspend the study of its interior situation in order to study that of numerous difficulties, the greater part of which still await a just solution.

#### CONDUCT OF FOREIGN REPRESENTATIVES.

It must, however, be recognized and acknowledged that the spirit of reconciliation and moderation which animates the agents of foreign powers accredited among us, in the discussion of the interests which they are charged to defend, manifests itself highly, and all like their governments recognizing upon whom must rest the responsibility for the difficult situation created to the country, have declared that they were ready to examine with justice and impartiality the reclamations of their countrymen, while showing great consideration for the embarrassments of the new administration.

From this point of view it may be permitted to say that good harmony has not been altered between us and our powerful friends beyond the sea. Their kindness and sympathy being always assured to us, there will necessarily follow in the near future a resuming of those good relations of peace and of friendship so necessary to a young people who ask to be sustained in the efforts which it makes as well for the consolidation of its credit as for its march upward in the way of progress and civilization.

#### AUGMENTATION OF THE FOREIGN DIPLOMATIC AND CONSULAR CORPS.

Since the triumph of the revolution the diplomatic corps has been augmented by a new member in the person of the honorable Dr. B. Graser, accredited near our republic by the empire of Germany. The kingdom of the Netherlands has appointed Mr. H. Peters to be its consul-general, and one of those states of Central America of our great family of republics, Salvador, has accredited near my government Dr. Martin de Castro, in the quality of consul at the residence of Port au Prince.

Eleven new consular agents have been appointed in different cities of the republic. It must be expected that the extension of these relations will be profitable to us in more than one sense.

#### LETTERS TO CHIEFS OF STATE.

I notified my elevation to the Presidency to the powers who have agents accredited

among us. Her Majesty the Queen of the United Kingdom of Great Britain and Ireland and Empress of India, His Majesty the King of Italy, the President of the Republic of the United States, and the President of Santo Domingo have responded to my letters of notification.

The pomp with which I surrounded the recital of their dispatches proves the importance that I attach to our good relations and my desire to maintain them on an honorable and satisfactory footing.

The Holy Father was pleased also, in responding to my letter of notification, to send me his apostolic benediction.

THE FRENCH DEBT.

On the 19th of July last, I took before you the oath prescribed by article 110 of our constitution, and immediately after, my government preoccupied itself, as it ought to do, with the situation of our exterior double debt toward France, "indemnity and loan."

I knew that the fallen administration left for us, up to March 31, 1876, the arrear of 2,051,096.97 francs to be paid, and that the provisional government had at its charge the sum due for the quarter ending the 30th of June, amounting to 643,950.40 francs, which carried the figure due on the debt to 2,695,047.37 francs.

Negotiations undertaken in the view of obtaining from our interior commerce values with which to face a part of these engagements did not end satisfactorily, and the department of foreign affairs was obliged to place itself in communication with the minister plenipotentiary of France, so as to make known to him the situation and to consult as to the means of egress therefrom.

The installments to be paid at the end of the fiscal year of 1875-'76 and during that of 1876-'77 amount to the sum of 1,776,118.01 francs, which brings the total amount of the debt to be paid up to September 30, 1877, to 4,461,165.38 francs.

On the 28th of July the French minister plenipotentiary announced to the secretary of foreign affairs that he gave his adhesion to the propositions made by my government for the payment of the double debt. These propositions consisted principally as follows:

The government of the republic engages to remit at the end of each month to the French minister at Port au Prince 40 per cent. of the fixed export duties collected by the different custom-houses of the republic and received at the general treasury, in drafts at 90 days' sight on Europe.

These sums thus paid should be reckoned as a deduction from the amount of the double debt, comprising therewith the interests due at 5 per cent. for the time that there may have been an arrear and according to the amount of the arrear.

The first payment should be made from August 28, and so on from month to month, until the account of the debt is brought up to date, which would permit the payment of the future installments to be resumed, conformably to the convention of 1870.

There was not in this a new convention concluded with France; there were simply facilities and longer terms which she accorded to us to cancel obligations already due, and the immediate payment of which she could exact from us.

The arrangement made between the French minister and the department of foreign affairs was not long in receiving the assent of the government of the French Republic, and Mr. De Vorges informed my secretary of state of the same by his dispatch of the 29th of September.

This combination, which keeps us henceforth free from all inquietude in regard to the arrear due to France, has permitted us to pay to her—

	Francs.
August 26, 1876.....	99, 587. 18
September 27 .....	136, 872. 31
October 27 .....	105, 701. 05
November 27 .....	204, 078. 84
December 27 .....	284, 727. 85
January 26, 1877.....	447, 182. 64
February 26 .....	376, 933. 02
March 26 .....	344, 924. 63
By anticipation the same day.....	320, 101. 19
By anticipation April 26.....	176, 211. 08
In all.....	2, 496, 319. 79

The arrear of the fallen government is then more than covered, that of the provisional government is partly paid, and before long, it must be hoped, we can resume the service of the double debt according to the terms of the convention of 1870.

PROTEST AGAINST THE LAW ANNULING DOMINGUE'S ACTS.

Last year, messieurs, there was communicated to you in secret session the collective note of the French and British ministers, of the Dominican chargé d'affaires, and of the

Spanish and German consuls, protesting principally against the law of September 19, 1876, which establishes a central commission of inquiry for the verification of the debts of the fallen government. You know in what a spirit of conciliation that note was written, notwithstanding the reserves formally expressed in it against the measures which in their application concern foreign interests. You know how my government has been obliged to defend the law in question, and to set forth the imperious necessity in which the nation found itself in acknowledging and appreciating the sum of its engagements, so as to acquire them according to the measure of its resources. Without a decree of suspension of payment of the debts of the fallen government, it has said, and without a thorough examination which is the necessary corollary thereof, we set at defiance all the principles of morality and justice, for we confound in the same category, without any previous examination, all the titles of an administration whose immorality and bad faith are doubted by no one; we establish no line of demarkation between obscure and vicious credits and those showing a certain character of integrity.

To these principles which we have tried to make known to the signers of the protest, there have been opposed considerations of another order, springing from international jurisprudence. It is only in considering *de facto* governments, whose bases appear to be solid and durable, and which are recognized by the great powers of the globe, that one has disputed our arguments, in favor of exceptional measures which the imperious law of our political and social existence commands us to take.

In mingling its voice with those of the other powers, the American Union expresses the desire that a sister republic will not insist any longer on the application of principles which are in contradiction to international law, and of a nature to injure the credit and the elevated sentiment of a government for which it wishes the happiest future.

If I am permitted here to translate to you the thought of a great statesman who has recently ceased to be in affairs, it is that I desire to show you under what reserves and in what spirit of moderation the protests against us are conceived, and by how many high sympathies Hayti is surrounded. On my part I am proud of it.

I shall have occasion to return to the response made by the department of foreign affairs to the collective note of the diplomatic corps, which was, as you know, soon followed by that of the French minister alone, concerning the loan contracted in France by the fallen government.

#### MISUNDERSTANDING WITH FRANCE IN CONSEQUENCE OF THE LOAN.

You reserved to yourselves the last word on this important question which you have confided to a parliamentary commission which has not ceased, during the interval of the two legislative sessions, to collect documents and to study them with the care which they merit. Its report will permit you to pronounce upon the subject, and will prove, I hope, that good faith and honesty are not yet banished from Hayti.

If our country desires to know its true charges; if it wishes to give up to the pillory of public opinion men who have strangely abused a power filched by fraud and violence, in the sole intention of satisfying their insatiable thirst for gold; if it wishes to clearly show their frauds, it is in an object which interests its honor, its future, as well as the public morality of all states. One cannot be charged with bad faith when one is disposed to pay what one owes and nothing more than one does owe. However, I must not conceal from you that evil reports, diffused since some time in Europe, to the effect that there was a question among us of annulling the loan of 1875, have inquieted bearers of the titles of this loan, and moved the Government of the French Republic to such a point that it has not up to the present moment officially recognized my government.

Of our three diplomatic agents abroad, the one in France alone has not been able to remit the letter which notifies my coming to power to the President of the French Republic, so that our legation at Paris found itself in a difficult and abnormal situation, it being simply recognized in a non-official sense.

The concern for the country's dignity, which I am bound to preserve intact, had often suggested to me the thought of relieving the difficulty by the recall of our chargé d'affaires. But I could not forget that I had considerations to observe toward France which has so often honored us with its benevolence, that France for which we have so much sympathy, and where the intelligent youths of our country every day derive the knowledge which must serve to raise us up and give us a place in the civilized world. I was therefore hesitating, when an unhappy circumstance seemed to favor us. At the same time when our chargé d'affaires made known to the government strong reasons (for his retirement), based upon considerations as to his health, the department of foreign affairs thought best to put an end to his mission. In communicating this determination to the French department of foreign affairs, my secretary of foreign affairs candidly exposed the causes of such determination. He said that, in consequence of events which had occurred in Hayti, the *personnel* of our legation being reduced to our sole chargé d'affaires, the government was momentarily placed in

the necessity of awaiting a more propitious time to name a successor to Mr. Lafores-terie in a country which certainly has a right to all the sympathies of the Haytian Government and people. Every propriety was observed. Thus it will be recognized, not by passionate men, desirous of finding errors and faults everywhere outside of the sphere within which they themselves act, but by impartial and serious men, who disinterestedly regard the situation and know how to remedy it.

The recall of our chargé d'affaires took place on the 26th of December; of this fact I gave notice to the French minister plenipotentiary on the 28th, at the time at which the French mail was leaving with our letters. One month later the government devoted itself to a combination which proves what esteem we desire to show to France, and what importance we attach to the good relations to be maintained between that country and our own.

On the 10th of February letters were sent to our chargé d'affaires at London, Mr. Charles Villevalaix, which accredited him near the French Government in the quality of envoy extraordinary and minister plenipotentiary. His mission was to renew the thread of our affairs unhappily interrupted with the French Government, and it was enjoined upon him to put himself at the disposition of the parliamentary commission of inquiry who asked us for an official agent to furnish it with copies of all documents deposited at the legation relative to the important questions of the loan.

By a happy coincidence, which I may be permitted to signalize, Mr. Charles Villevalaix was making the first necessary steps for the opening of the negotiations with which he was charged, nearly at the same time that Dr. Lacascade, member of the French Chamber of Deputies, presented himself to my government. The Duke De-cazes profited by his voyage in the Antilles and of the offer that Mr. Lacascade made to him, to give him a knowledge of the instructions given to the French legation in Hayti in regard to the settlement of our financial difficulties. It is in the sense of these instructions that Mr. Lacascade is to use his personal influence to bring about an amicable settlement.

The minister plenipotentiary of France has gone to Europe *en congé*. He left in charge of the French legation in Hayti, according to his government's orders, Mr. Hut-tinot, recently returned from St. Domingo. It was Mr. Huttinot who communicated to the department of foreign affairs the letter of the French minister of foreign affairs announcing to him the mission of Mr. Lacascade.

My government will necessarily await until you pronounce on the question of the loan, before arriving, if there is occasion, at official negotiations based on the deter-minations that you shall have voted.

#### TWO ENGLISH RECLAMATIONS.

Last year the department of the interior had the honor to deposit in the bureau of the house the reclamation produced by Her Britannic Majesty's Government in favor of the person who took the engagement to conduct water from Turgeau to the capital, together with the new contract that it proposed to sign with him in the name of the government. It was during the last days of the legislative session; the house of representatives had not the necessary time to study the question and give it a solution. This same department will therefore have to submit it again to the high appreciation of the legislative body, and to agree upon the indemnity accorded to the under-taker of the works for the losses that he sustained by the forced suspension of his works.

I come now to one of the most important reclamations submitted to the government; it figures by hundreds of thousands of dollars; I will say more exactly, by a demand for an indemnity of \$632,602.44, the absorption of a quarter of our fixed annual revenues, a new charge to be put to the account of the ignorance and insatiability of our last governors.

You understand that it concerns the island of La Tortue, whose concession, after having passed into different hands since 1862, came lastly to Madame Maunder, *née* Faubert, a British subject.

Numerous letters exchanged between the English minister and the department of foreign affairs have come to no result, and finally, after taking knowledge of all the correspondence on this subject, you will easily convince yourselves that the question, as it is understood by the two parties, can never be resolved by them.

The exaggerated pretensions of the grantee, in the opinion of my government, are sustained by the British minister. Neither of the two parties is disposed to make concessions; each one of them relies on the force and justness of its arguments; an understanding becomes impossible, and it appears wise and prudent, I believe, to confide the solution of this question to an international arbitration.

Two nations, the one great and powerful, the other small and feeble, will honor themselves in adopting this line of conduct. The first will not abuse its power to impose law; the second will not from its feebleness try to dictate conditions.

Moreover, this is not a new manner of coming to an understanding. It is thus in international law that it is agreed to proceed to settle differences of a secondary order, especially those which must be solved in money damages. And in the history of peo-

ples, we could mention, in support of our opinion, more than one example of this just and equitable manner of proceeding.

The good offices of a friendly power are not to be disregarded. I will say more; this is the only solution of the question from the stand-point at which we have arrived, the English minister having declared to the department of foreign affairs that he would not again write on the question, and that he would await the answer of my secretary of state in order to refer it to his government.

To the arbitration that I have therefore proposed, I will await the answer which shall be made, and if my proposition be accepted, I will have the honor to submit to the sanction of the assembly the convention which will follow upon it.

You will understand, gentlemen, all the gravity that this question carries with it for a country whose finances are exhausted, whose credit is ruined, and which is in the obligation of defending to the utmost the last breath of life which still rests with it.

#### THE ISLAND OF NAVASSA.

The government is in the intention of renewing, through its minister at Washington, the negotiations concerning the island of Navassa, interrupted since two years. The first steps attempted in this respect date from the empire. Suspended by the government which followed it, they were resumed at the commencement of 1872, and gave rise to an exchange of long correspondence between us and the United States.

On the demand of the senate of the republic, the department of foreign affairs was to remit to it, last year, all the documents relating to this question. Arbitration had been proposed to solve it. This was a proposition that came from the House of Representatives of the American Union itself, authorizing the President to act to this end; but the Committee on Foreign Affairs, taking up this project of law, made a report concluding in its rejection, and Congress separated without pronouncing itself thereon in a definite manner. Such is, in a few words, the condition of this affair, which already dates back twenty years (*qui remonte déjà à vingt ans*).

#### TWO AMERICAN RECLAMATIONS.

As I said at the commencement of this chapter, numerous reclamations are deposited at the department of foreign affairs and await a solution. In what concerns the republic of the United States, I will call your attention to the finishing and to the payment of the Pantheon, and to a supply of arms furnished to the fallen government, assimilated, according to the minister resident of the Union, to a case of spoliation.

There will be communicated to the two houses, when the moment shall arrive, those of the foreign reclamations on which they are called to pronounce.

#### PROTEST OF MR. MORAVIA.

I must not pass in silence the incident relating to Mr. Moravia, vice-consul of Denmark and the Netherlands, at the residence of Jacmel, under the fallen government, and placed under accusation by the provisional government at the triumph of the revolution. The protest of Mr. Moravia, which concluded by demanding an indemnity in his favor of twenty thousand pounds sterling, in reparation for the wrongs and damages to which the above-mentioned decree subjected him, was lying dormant in the portfolio of the bureau of foreign affairs. It was not thought necessary to give an immediate answer to this strange act, in which Mr. Moravia speaks of a most flagrant violation of the law of nations in respect to him, and of the gratuitous insult offered to His Majesty the King of the Netherlands, and to the flag of that power.

#### PROCEEDINGS RELATIVE TO A DANISH AND DUTCH VICE-CONSUL'S PROTEST.

The honorable consuls-general of Denmark and of the Netherlands having expressed to the department of foreign affairs their desire to be able to give information to their respective governments in relation to Mr. Moravia's position, my government hastened itself to accede to this desire too natural to be contested.

It has furnished the proof, in remitting certified copies of important documents, that Mr. Moravia had, under the preceding administration, participated in the execution of certain works, which were not accomplished, notwithstanding the large sums of money drawn in advance from the public treasury. It further proved that Mr. Moravia actively occupied himself, as agent of that administration, in the political affairs of the country. Was this the conduct to be observed by a consular agent appointed by two friendly nations?

If the government of a country owes a special protection to the consuls of foreign powers who reside therein and whose functions and prerogatives are limited, are they not in return obliged to abstain completely from all interference in the interior affairs of that country? And, in case of civil troubles, are they not compelled to hold the most perfect neutrality? These principles cannot be contested.

In order to put an end to all difficulties in the future, my government, in giving

these explanations to the agents of Denmark and of the Netherlands, remitted to them a counter-protestation, and exposed to them how much, in its opinion, the replacing of Mr. Moravia as vice-consul at the residence of Jacmel would be of a nature to procure happy results and to tighten the bonds of friendship which unite us to those two countries.

It was necessary to give weight to similar facts, to completely put them under your eyes in all their details, so as partly to show to you how much the department of foreign affairs is to-day overburdened with care caused by the events which have occurred in Hayti and the numerous reclamations, just or unjust, that are necessary consequences thereof.

#### SANTO DOMINGO.

The question of our relations with the Dominican Republic interests in such a high degree our political future, that I think it necessary to lay particular stress upon it, and to pray you to make this point the important object of your most serious meditations.

During twenty-two years the Haytians and the Dominicans formed one and the same people, living under the same laws and the same government, the only one in Hayti that realized the unity of the territory.

When certain reasons, whose appreciation is now of the domain of history, brought our brethren of the East to separate from us and to occupy the vast territory to-day called the "Republic of Santo Domingo," the governments of Hayti could not reconcile themselves to this separation (*se résoudre à cette séparation*); in it they saw in the future an incessant peril for the national independence gained at the price of so much blood and sacrifice; they saw it menaced at each instant, if a powerful nation, absorbing the Dominican people, should, by conquest or otherwise, thus establish itself at our doors.

"The island of Hayti one and indivisible;" such was the constant principle of our politics.

After conciliatory measures, appeal was made to force of arms; but their efforts against the persevering will of the Dominicans failed.

In 1859 the return of republican ideas was the starting-point of a new policy.

It was rightly thought that the independence of Hayti would be sufficiently guaranteed, if the Haytians and the Dominicans would engage themselves never to cede any part of their respective territories. From that time the spirit of conquest and of domination gave place to the happy idea of the union of the two peoples on the bases of the acknowledgment of the republic of Santo Domingo and of the principle of inalienability, substituted for that of territorial indivisibility.

It is this principle that my government desires to affirm to-day highly, without reticence and without reserve, certain to find on this point a communion of ideas with us. It is the sole solution of the question which occupies us, a solution dictated by the reason and conformable to the real progress of the Haytian and the Dominican peoples. It was it that provoked, in 1868, the first attempts of a convention from which came six years later the treaty signed the 9th of November, 1874, struck by the revolutionary idea, and which the legislative body invalidated by the law of October 6, 1876.

This is the occasion to examine in what manner international law and political wisdom command us to apply the measures dictated by this law in what concerns our relations with our neighbors of the east.

Already the dispatch written in answer to the collective note of the diplomatic corps, signed by the chargé d'affaires of the republic of Santo Domingo, caused to be sounded the idea of the government "concerning the treaties which have been concluded between certain ones of the states which you represent and the administration of General Domingue." Said my secretary of foreign affairs, "the government is truly in the intention of having re-examined by authority competent in the matter the part of those conventions which could occasion disbursements of money; for it can escape no one that these treaties, in what concerns such stipulations, have been concluded with a lightness which sensibly affects the material interests of the state." Since that time troubles have succeeded with such rapidity in the east, that it was impossible to find a favorable moment for the opening of negotiations between the two republics.

Two governments have been overthrown after a few days of existence, and to-day it is General Baëz who is president of the Dominican Republic. At his coming to power, he sent a special commission near my government to assure me of his good intentions and to strengthen more and more the bonds that unite us together. I answered him that I am animated by the same sentiments; and in an interview which took place between his special commission and the secretary of foreign affairs, the latter did not fail to set forth the necessity that there was for the two states to definitely settle the important questions concerning the reciprocal welfare of the two republics.

The question of the validity of the treaty of 1874, of its revision, naturally then presents itself as the order of the day.

During this session, we will have to study the most efficacious means of arriving at a good settlement of the boundaries, at the fixing of just indemnities to be accorded from one party to the other for advantages which may be determined upon; to examine with all the care that they merit the dispositions of the treaty relating to our coasting trade, to our public interior rights; we will have, finally, to put it (the treaty) in complete accord with the laws that govern the two countries, so as to give to it that force, that power which it lacks, and to permit it to contribute, by a long existence and a severe and exact observance of its prescriptions, to the glory and to the advancement of the republics of Hayti and Santo Domingo.

At the very moment when this message is being written, my government could not, without a profound and just astonishment, read the message of the President of Santo Domingo to the National Assembly of that republic. It seems to render us responsible for the interior troubles of that country, accuses my government, of fomenting them, whilst copies of orders from Dominican authorities have reached us provoking and authorizing disorder on the frontiers, even within the Haytian limits.

My secretary of foreign affairs, in answer to a dispatch of the chargé d'affaires of Santo Domingo, which demanded of him the immediate expulsion from Haytian territory of certain Dominicans, declared that the government was disposed to turn them back into the interior in order to neutralize their proceedings; the demanded expulsion being supported by no document justifying this extreme measure so contrary to the code of humanity. He profited by the occasion that was offered to him to remind the chargé d'affaires of the point of view under which my government regarded the Dominican question in what concerns the treaty concluded and signed with the fallen government. He, moreover, announced to him that he would have soon to confer with him on the message of General Baëz, which had just been communicated to him.

Mr. Carlos Nouel declared to us that it was not his mission to treat these questions; that he was about to refer them to his government, and demanded his passports. The government remitted them to him; but, endeavoring to show its firm desire to preserve the best relations between Santo Domingo and Hayti, it did not consider this demand as a rupture, and asked to know the person left in charge of the Dominican legation during Mr. Carlos Nouel's absence.

I have said enough on the state of our relations with Santo Domingo, so that you may form a just idea of them. Knowledge of the men that are in power in the east, and a narrative of facts that took place there, suffice to put the question in its true light.

Notwithstanding, if some incidents independent of the will, distorted even for the most part, have been produced, which have exercised a happy influence on the relations of Haytians and Dominicans, my government proposes to bring them to a common satisfaction of the two countries, counting on the patriotism and good sense of the Dominican population. It hopes that these clouds will very soon disappear after loyal explanations, and that the two republics, understanding that it is their common interest to unite and understand each other, will re-establish and strengthen those ties so far as to gather all the fruits of happiness and satisfaction possible. As for us Haytians, whatever they may say or do, we must try to preserve and cement peace with our sister, Santo Domingo.

It would be puerile to defend ourselves from the idea of conquest or of domination, which are reproached to us. Such accusations fall of themselves. We have no interest in fomenting troubles among neighbors, whose independence we respect as well as we cherish our own.

Let our attention constantly bear (*se porte*) upon the government established at Santo Domingo, and, if it is desirous, as we are, to maintain in their fullness these great principles of territorial inalienability which we proclaim, let us extend to it a fraternal hand, and, by a frank and sincere union, march with it to the conquest of progress and of civilization.

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No. 169.

*Mr. Bassett to Mr. Evarts.*

No. 516.]

LEGATION OF THE UNITED STATES,  
*Port au Prince, Hayti, July 21, 1877.* (Received Aug. 6.)

SIR: In my No. 501, of the 10th of May last, I had the honor to bring to your notice that phase of the religious question now occupying to some extent the public attention in this republic, in which the Roman Catholic archbishop and his clergy are shown to have assumed a

pretension to supremacy over the civil code, notably in the matter of marriage.

In the present dispatch I desire briefly to invite your attention to another, but equally suggestive, aspect of the same subject, namely, the introduction and growth of Protestantism in Hayti, and its influence upon this government.

Although immediately after the declaration of Haytian independence in 1804, Romanism, then as now the faith professed by a great majority of the Haytian people, was declared to be the religion of the state and placed under the state's special protection and support, and although it still continues to enjoy that protection and support, yet the feature of religious toleration and freedom was incorporated into the constitution of 1805, and has been maintained in all subsequent revisions and changes of that instrument. It may also be set down to the credit of the Haytian Government and people that, except upon one or two occasions under Boyer, and again under Soulouque, they have uniformly acted in good faith toward the different Protestant denominations that have sought to establish themselves in Hayti, and this too in spite of many strongly-directed and persistent, but truly uncommendable, efforts of the Roman priesthood to cause to be suppressed, or effectively placed under ban, every other form of worship and belief than their own.

President Canal, in his last annual message to the Corps Législatif, makes reference to the subject in these words:

By virtue of the principle of religious liberty and equality inscribed in the twenty-fifth article of the constitution and long since incorporated into our habits, the different religions—Catholic and Protestant—are freely exercised in this country.

As early as the year 1815 Henri Christophe, the autocratic King of the north of Hayti, engaged a clergyman of the Church of England—the Rev. Mr. Brown—to direct the royal college at Cape Haïtien. Mr. Brown prepared an abridged liturgy of the Church of England adapted to the then existing condition of things in King Henri's dominions. The liturgy, of which I have seen a copy, of the original edition, was issued from the royal press at Sans Souci, in the English and the French languages, arranged in parallel columns, and was authorized by the King himself to be used in all the schools and garrisons of the kingdom. Under the protection and favor of the King, himself a Roman Catholic, Protestantism began to take root and grow in the north of Hayti. But in 1820 Christophe died by his own hand, and it is a fact that the Church of England did not then, and has not since, put forth any effort to follow up the beginning so auspiciously made by Mr. Brown.

Contemporaneously with the introduction of Protestantism by government request and authority at Cape Haïtien, President Pétion engaged teachers of the Protestant faith to come from England to take charge of schools in his republic. They arrived at Port au Prince in 1816, and the reports which they sent back to England of the encouragement given them in their new work induced the Wesleyan Missionary Committee at London to open a mission here in 1818. This mission has been maintained ever since, and is now in a flourishing condition, both at Port au Prince and in other parts of the republic.

Protestantism in Hayti has also been augmented by emigrations, especially of colored people from the United States, under Boyer in 1824, and under Geffrard in 1861. From these emigrations and some British sources have sprung up churches of the Baptist, the Methodist, the African Methodist and other denominations.

But, notwithstanding the fair prospects of Protestantism under the earlier days of Haytian independence, and notwithstanding the fact



that it has been allowed slowly but surely to develop itself on Haytian soil, yet no mention of the Protestant churches and schools appeared for many years in any message from the executive to the Corps Législatif. But, at the beginning of the Domingue administration, when Mr. Thomas Madison, the Haytian historian, was minister of public worship, Mr. Madison was induced, through a friendship which sprang up between himself and the Rev. Dr. Coxe, bishop of Western New York, to make favorable official mention and give some statistics of those churches and schools. And again references to the subject are made in President Canal's recent message.

It was more especially to explain the principal cause and spirit of these references in President Canal's message that I thought it desirable to write this dispatch.

During the emigration of colored people from the United States to Hayti in 1861, the Protestant Episcopal Church of the United States was pleased to establish a mission here, with the Rev. J. T. Holly, a native of the city of Washington, but now a Haytian citizen, as its pastor. In the conduct of his charge, Mr. Holly, from the very first, strenuously advocated and resolutely persisted in the important policy of raising up a national clergy in Hayti, a policy which seems never to have been thought of by any other religious denomination in this country, and which opened a new road and gave a new impetus to Protestantism here. The mission continued to grow. It was encouraged and visited in 1863 by Bishop Lee, of Delaware; in 1866, by Bishop Burgess, of Maine; and in 1872, by Bishop Coxe, of Western New York, and finally the Rev. Dr. Holly was, at Grace Church, New York City, in 1874, ordained bishop of Hayti. So that since 1874 there has been established in Hayti an independent Protestant church, with the distinguishing feature that all its clergy are citizens of the country, several of them educated in the United States under the vigilance of Bishop Holly. The facts just narrated have forcibly struck the attention of this government, as well as that of a number of patriotic Haytians.

President Canal, in his message, after noting in a tone of regret the fact that out of ninety-three Roman Catholic priests under government pay, ninety-one are Frenchmen and only two Haytians, and after noting the contempt manifested by the archbishop and his clergy for the civil laws of the country, says:

That propriety, as well as our interests, demands a body of native priests, cannot escape the attention of any one. The public well-being of the nation, our independence, and our dignity make it imperative to have Haytian elements in an order so elevated and so powerful. For these reasons we have made sacrifices to sustain the grand seminary in France and the small seminary here. But the results obtained have been small. During a period of more than sixteen (thirteen?) years we have had only two ordinations of Haytian priests. There remains something more for us to do, in order to find and excite the desire for the sacerdotal vocation among our fellow-citizens.

President Canal thus speaks of the subject with evident feeling, in the light of the pecuniary interests of the country, and in the light of the dignity and independence of the nation. The French Roman Catholic priest, in coming to Hayti, leaves behind him all his social ties, in the hope of returning to them within eight or ten years, the average period of his labors here. All that he receives while in the country over and above his scanty personal wants, goes abroad to enrich France at the expense of the Haytian people, and he even bends his energies to accumulate. In addition to his salary from the government, which ranges from 20,000 francs to the archbishop to 1,200 francs to the country curate, he is allowed a tariff of prices for all public religious services performed by him. Baptisms, marriages, funerals, dispensations, indulgences,

masses for the dead—services for each of these yield him by law a revenue ranging from 50 cents up to \$50. Not only this, but he can collect offerings from the faithful, and it is even affirmed that many such offerings are made to him under the dread secrecy inspired by the confessional. It is not difficult to see that the moneys received by the foreign clergy in Hayti and promptly sent away to France amount in the aggregate to a considerable sum. I have heard it estimated by some of the most intelligent persons here, as equal to more than one-quarter of the whole public revenue, or more than one million of dollars per annum.

It is true that France lost open political control over this island in 1804, but by means of the Roman Catholic clergy she has maintained almost exclusive control over the religious affairs of these people. Indeed, the domination which she once held over their bodies was hardly more complete than that which she still holds over their consciences and spiritual susceptibilities. The priests, in their present controversy with the government, which is outlined in my No. 501 already referred to, do not fail to rely upon the supposed spiritual subjugation of the Haytian to the papal system of Rome, in connection with their own supposed power over him as citizens of a country which once held him in physical bondage, and to whose interests they themselves are devoted.

In the light of these facts it is no cause for astonishment that the Haytian Government, aroused and inspired by the policy and success of the Protestant Bishop Holly, in raising up and establishing a national clergy for the Protestant Episcopal denomination, should seek to conserve its own integrity and the resources of its people, as well as to avoid continual misunderstandings with a class of foreigners resident here and shielded by the dignity of sacerdotal robes, by stimulating and encouraging the young men of the country to enter the ecclesiastical vocation.

Meanwhile it ought not to be unknown to those who feel bound by the holy injunction to have the gospel preached to all the world, that in Hayti the door stands wide open for every kind of Christian missionary work.

I am, &c.,

EBENEZER D. BASSETT.

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No. 170.

*Mr. Bassett to Mr. Evarts.*

No. 523.]

LEGATION OF THE UNITED STATES,  
*Port au Prince, Hayti, August 11, 1877. (Received Sept. 3.)*

SIR: Referring to that portion of my No. 522, of the 28th ultimo, which made mention of a note just then received from the Dominican plenipotentiaries, I have the honor to send you herewith inclosed a careful translation of the note, and to invite your convenient attention thereto.

It will be seen that the note professes to give an outline both of the unsatisfactory relations which have arisen between the two republics of this island and of the efforts which have been made by the Dominican Government to improve those relations, and that its recitals and general tenor are such as to lead to the conclusion that the responsibility for the actual condition of things between the two republics rests with Hayti. As a whole, it might be taken as even a bold affirmation of the

correctness of the statements and apprehensions somewhat reservedly expressed in my dispatches of recent dates, numbered 498, 507, and 508, and I must give it as my impression that, with few exceptions, the assertions in the note are fairly reliable.

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But I do not think, as it is affirmed in the plenipotentiaries' note, that this government has "consented," although it may have, and probably has, tacitly permitted and so connived "that armed incursions against the public order and tranquillity of the Dominican Republic should have their center and headquarters of depredatory operations on the frontiers of Hayti." For since the ignominious failure of Soulouque to subdue the Dominicans by force of arms in 1855-'56, the policy of this government in regard to that of Santo Domingo has, according to the best of my knowledge and belief, been to keep up before the world an appearance of friendly relations between the two republics, while at the same time it has, except under Salnave, steadily, but covertly, sought to foment discord among the Dominicans, and most cunningly and secretly to intermeddle in and control their political affairs. Therefore, whatever provocation the plenipotentiaries may have had for the assertion, I am sure this government does not wish or intend other nations to understand or be able to prove that "the Haytian authorities act toward the Dominicans as if they had not the least international obligation, according either to the law of nature or the law of nations."

It has all along been my impression that President Baëz perfectly comprehends the policy of this government toward his own. And I regard his endeavor, through the sending of plenipotentiaries hither to settle in an amicable way the difficulties which have arisen between the two governments, not only as discreet and wise, but also as one which ought to disarm this government of all pretext for further clandestine or other interference in the internal political affairs of the Dominican Republic.

It appears to me, also, that the Dominican plenipotentiaries, in their argument favoring the recognition of the treaty between the two countries, had right, justice, and honor on their side.

I am, &c.,

EBENEZER D. BASSETT.

[Inclosure.—Translation.]

*The Dominican plenipotentiaries to the foreign representatives at Port-au-Prince.*

DOMINICAN LEGATION,  
Port-au-Prince, July 27, 1877.

*To the diplomatic or consular representatives of the United States of America, of France, of England, and of Spain, at Port-au-Prince:*

MESSEIERS LES REPRÉSENTANTS: In our quality of diplomatic envoys of the Government of the Dominican Republic near the Government of the Republic of Hayti, it is of our greatest interest—an interest altogether moral and patriotic—to bring to your knowledge both the actual state of the official relations between the two governments above mentioned and the results which, in regard to these relations, our labors in the view of formalizing and fixing them according to the principles of the law of nations universally admitted, have obtained.

The Dominican nation, by a spontaneous and unanimous effort, in December, 1876, overthrew the usurped and derisive dictatorship of Mr. Ignacio M. Gonzales, who imposed himself by surprise and force upon the legitimate government of Mr. Ulises Espaillat. General Baëz was in consequence invested with supreme power, and the fall of Gonzales responded so perfectly to the general wish that President Baëz in order to establish his government had no occasion to employ any dictatorial act or to

combat any resistance. He had the happiness to insure peace to his fellow-citizens, and to establish his administration on the basis of eminently liberal principles and strictest equity.

But the government of Mr. Baëz found in its path, from its first day, the ill will of the Haytian Government, which, in contempt of the treaty existing between the two nations, sought to entice over to Haytian territory all the discontented who, without constraint of any kind, chose to withdraw from Dominican authority; and then it consented that armed incursions against the public order and tranquillity of the Dominican Republic should have their center of organization and headquarters of depre-datory operations on the frontiers of Hayti. Prohibitions on the commerce of Dominican produce were established by the Haytian custom-house regulations to the prejudice and in flagrant violation of the above-named treaty; and, finally, the Haytian authorities act toward the legitimate government of the Dominicans as if they had not the least international obligation, according either to the law of nature or the law of nations.

The reclamations of the Dominican authorities as to the disorders on the frontiers are altogether useless; and, in consequence, a handful of insurgents hold in check the troops of the Dominican Government, which, in fact, finds itself under the weight of enormous expenses in order to face insignificant bands that freely cross and recross the Haytian frontier. It was in vain that, soon after his elevation to power, President Baëz was pleased to resort to conciliatory measures and to appeal to reason and justice to bring the Haytian Government to a respect of the public faith of nations. To this end he caused a commission to come to Port au Prince in January last, to reclaim arms belonging to the Dominican Government, and to demand the suppression of the insurgents, who had just then opened hostile operations on the river Massacre, near Dajabon. At the same time, the Dominican commissioner came charged to make the offer of the pacific sentiments of his government to the Haytian Government, and to seek the strengthening of good relations by means of the complete execution of the clauses of the treaty.

The commissioner obtained nothing; a marked coldness, evasive answers, and insolent demeanor (*manifestations outrageantes*) in return for the loyalty of the Dominican Government, finished by convincing our commissioner, Mr. Cabral, that there were, on the part of the Haytian Government, a foregone conclusion (*parti pris*) and insurmountable prejudices. It was under these painful impressions that he returned to Santo Domingo and rendered an account of his mission.

The government of President Baëz was not disheartened notwithstanding this unhappy trial. Holding it at heart to give a more convincing testimony of his moderation and his desire for concord with the neighboring country, he decided that a new commission should be furnished, with conciliatory instructions, in order to come to a reasonable agreement by means of new engagements efficacious enough to assure the Haytian Government itself as to the point of its injurious suspicions growing out of imputed projects of Dominican annexation. Upon us, the undersigned, fell the honor of being selected for this mission of peace. We have done our best to fulfill our mission; but we have stranded upon the same prejudices and the same foregone conclusion (*parti pris*) as those upon which our predecessor stranded. Furthermore, we have found Mr. Gonzalez established at Port au Prince working actively to produce new uprisings in favor of his own restoration to power, and the first effect of his labors was the insurrectionary attempt which broke out and was crushed at Puerto Plata the 1st of July instant.

We were under the obligation of causing the Haytian minister of foreign affairs to feel how pressing was the necessity of putting an end to this disorder and to these criminal intrigues against the public tranquillity of the Dominicans, and of faithfully executing the stipulations of the treaty in vigor; but the minister evaded our reclamations, in objecting to us that "the national assembly of Hayti having declared null and void the acts of General Domingue's government, the Dominico-Haytian treaty remains struck with the same nullity"; and the same Mr. Etheart submitted to us on the 14th of July a verbal communication containing the conditional bases for new conventions to be entered into; he put in advance, as one of the dispositions already decided upon by his government, the proposition here below copied textually:

"The Dominico-Haytian treaty, signed November 9, 1874, between the government of General Domingue and that of General Gonzales, remains null and void, as the secretary of foreign affairs of the republic of Hayti had already caused it to be understood, as well in his collective note addressed to the (diplomatic) agents accredited in this country as in the exposition of the situation (President's message) to the national assembly. It must be considered that the denunciation (*dénonciation*) of this treaty is obligatory in some sense upon this high functionary, the corps législatif, whose decisions he must respect, defend, and execute, having consecrated similar dispositions in the law of October 6, 1876."

We demanded on the other hand, as was just and natural, that the treaty should be modified by the common accord of the two contracting parties, for we could not admit that the public powers of Hayti, of their own exclusive authority, should put

aside, by a local law, the international conventions which were excluded from the local jurisdiction of either of the contracting parties. We desired very much to begin at once the reform of the treaty, doing justice, as much as possible, to the pretensions of the Haytian Government; but we sustain the validity of the treaty, as the necessary starting point, so that the new conventions might carry in them the guarantee of the reciprocally guarded faith indispensable to their own validity and their future solidity. Here, then, is the variation made by us in the sense and to the letter of the proposition of the Haytian minister, by form of counter-proposition:

"To proceed to the immediate execution of the treaty in the part which, by its non-fulfillment, affects the public peace, the security and the legal order existing in the Dominican Republic, and to adopt the same treaty as the starting point for the stipulation of new bases, by the means of which remain, from that time, in suspense, the clauses judged prejudicial to the interests of either of the contracting parties, and in course of execution all the other clauses until the definitive formation of new conventions."

"This formula," we added in our dispatch of July 17th, addressed to the secretary of foreign affairs, "would offer the advantage of causing to cease without delay all the causes of distrust, coldness, and malevolence by which are strained to-day the relations of the two countries; the principle of the inalienability of the territory would remain *ipso facto*, agreed to conformably to what the government established in the third proposition of the verbal communication which is in substance the tenor of the third article of the treaty of 1874, and so also the delimitation of the frontiers would become obligatory in the same form consecrated by article 4 of the same treaty."

The secretary of state, in a conference held with us the 21st, expressed to us the absolute impossibility of admitting the validity of the treaty, and promised us a written answer by the 25th. This date passed without result; we then notified the minister, according to his verbal declaration of the 21st, that our conscience, our instructions, and the dignity of the Dominican Republic not permitting us to consent to the counter-judicial sense of not absolutely recognizing the obligations of the treaty; having the conviction that all delay not justified in our negotiations is equivalent to a moral complicity in the revolts and machinations which flourish in Hayti against our country, we were obliged to declare the negotiations finished and to return to Santo Domingo by the occasion fixed upon to-day the 27th, and we have closed our communication to the Haytian minister with these final paragraphs:

"Let it be known, Mr. Minister, before the Haytian people, before all the enlightened nations, before God, and before the civilized world, that while in Hayti are put aside the subsidiary obligations, and the commercial franchises stipulated between the two republics; while in Hayti a solemn conviction which fraternally united the two sovereign peoples of the Island, has been disowned and denied; while in Hayti have been carefully nourished and guarded the elements of the bloody intestine struggles of the Dominicans in giving illimited asylum and assuring the impunity of the conspirators; in indefinitely retaining arms which belong to the Dominican Republic—the Dominican Government has made two infructuous attempts to re-establish peace, and to cement frank and loyal relations between the two states."

The minister answered us under date of yesterday, confirming to us his verbal declaration relative to the nullity of the treaty.

This is the condition in which the relations of the Dominican Republic remain with Hayti: The Haytian Government, retrenching itself in a non-political sense, denies all at once the obligations which the public faith engaged in a solemn treaty impose upon it, and the simple duties of good neighborhood according to the law of nations. The treaty disowned, signifies the reserve of a liberty of illimited action in maintaining the revolt on the Dominican frontier, and the conspiracy against our republic at the capital of Hayti. We pray you to please take note of this situation, and to render an account thereof to your respective governments, so that they may in advance be provided with the information necessary to appreciate with justice future eventualities.

We have the honor, Messieurs les Représentants, to offer to you the assurances of our very distinguished consideration.

FELIPE D. F. DE CASTRO.  
MANUEL DE J. GALVAN.

No. 171.

*Mr. Bassett to Mr. Evarts.*

No. 527.]

LEGATION OF THE UNITED STATES,  
*Port au Prince, Hayti, August 17, 1877.* (Received Sept. 3.)

SIR: I have the honor to represent that this government is now in the midst of a kind of ministerial crisis, in consequence of a resolution

adopted in the Chamber of Deputies on the 10th instant, declaring blamable and unpatriotic the conduct of two of President Canal's ministers in causing to be inserted in the official journal, *Le Moniteur*, the vote of the chamber "adjourning" a project of law which was submitted by the executive, and which proposed to make a general increase of the salaries of government employés. Already the unpopular minister of the interior, Mr. Thoby, has resigned, and it is thought that the minister of finance and foreign affairs, Mr. Ethéart, will be forced to leave the cabinet. President Canal has called upon the leaders of the chamber to aid him in forming a new ministry, and has even pressed them to take part in the ministry themselves. But they have all declined to accede to his wishes in this regard.

The crisis has not yet passed, and I shall in due time give you full information of the important facts in the matter, as illustrative of the bearing and tendency of political events in this remarkable and peculiar republic.

I am, sir, &c.,

EBENEZER D. BASSETT.

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No. 172.

*Mr. Bassett to Mr. Evarts.*

No. 531.]

LEGATION OF THE UNITED STATES,

*Port au Prince, Hayti, September 3, 1877.* (Received Sept. 22.)

SIR: In my No. 527, of the 17th ultimo, I had the honor to invite your attention briefly to a ministerial crisis which was then here existing, and which had been brought on by a vote in the Chamber of Deputies declaring the conduct, in a circumstance named, of two of President Canal's ministers anti-patriotic and blamable. It is the purpose of the present dispatch to give a fuller account of the proceedings attending the crisis.

It was stated in my said No. 527 that the minister of the interior, Mr. Thoby, had already withdrawn from the cabinet in consequence of the vote of the chamber, and it was presumed that the minister of finance and foreign affairs, Mr. Ethéart, would be forced to retire also. The presumption proved correct, for the chamber, finding that Mr. Ethéart was in no way disposed to retire before its vote declaring his conduct unpatriotic and blamable, refused to hold any further communication with him, and he was thus forced into retirement.

The circumstances of the retiring of MM. Thoby and Ethéart were such as to lead President Canal to encounter no inconsiderable difficulty in finding others at once capable and willing to take the responsibility of entering into his cabinet; for experience had clearly shown that any cabinet officer was liable at any moment to be blamed, forced into retirement, and held up to public disfavor, at the mere pleasure of the Chamber of Deputies.

But on the 23d ultimo, after the cabinet had remained incomplete for nine days, President Canal issued what is here called a "decree," announcing that Mr. Felix Carrié had been appointed to be minister of finance and foreign affairs, and Mr. A. Gutierrez to be minister of interior. The entry of MM. Carrié and Gutierrez into President Canal's cabinet appears to have given a fair degree of public satisfaction, for Mr. Thoby was notoriously unpopular, and Mr. Ethéart, though a man

of experience and some ability, was a person whose activity was all of a purely negative character. How to avoid facing or settling any public question seemed to be his sole inquiry in almost every instance.

I had the honor to state in my No. 527, already referred to, that the proceeding which provoked the vote of the Chamber of Deputies against MM. Thoby and Ethéart was that they had caused to be inserted in *Le Moniteur* a project of law proposed by the Executive to increase the salaries of government employés, together with the announcement of the fact that this project of law had been "adjourned" by that body. In response thereto the Chamber of Deputies accompanied its vote against MM. Thoby and Ethéart by a preliminary statement (inclosure A), which I commend to your convenient perusal, inasmuch as it throws some light upon both the revenues of the country and the disposition which it was proposed to make of them, as well as upon the temper of the chamber itself.

Inclosures B, C, D, and E, are translations of correspondence had (1) between President Canal and the deputy whose influence in the chamber had brought on the ministerial crisis, and (2) between President Canal and the chamber. I venture to commend them as worthy of perusal. They seem to me to presume a delicate sense as to the parliamentary system of government which has never yet existed and is not now fully established here, and they do not, it is thought, make President Canal appear to any material disadvantage.

But the real fact is that there is in Hayti, to a very great extent, a lack of patriotic devotion to the interests of the country. There appear to be no doubts cast upon President Canal's integrity and patriotism. But the leaders of the Corps Legislatif are generally thought here to be working in their own political interests to cast reflections upon the Canal government. The whole republic would seem certainly to be under sufficient embarrassment to induce all its citizens to work in harmony for its well-being. \* \* \* \* \*

I am, sir, &c.,

EBENEZER D. BASSETT.

[Inclosure A in No. 531.—Translation.]

*Statement of the deputies, censuring the ministers of the interior and finance, August 10, 1877.*

During the course of last session the House of Representatives submitted to the appreciation of the Executive a proposition for the augmentation of the salaries of public functionaries, at the same time diminishing their number. The Executive demanded the adjournment of the project.

This year the Executive inscribed in the budgets an augmentation of \$100,428 in favor of these functionaries and employés, in conserving at the same time intact their number.

In short, the proposition for the expenses of the public service of 1877-'78 amounts to \$4,428,336. Of this amount the department of war and of the navy figures for the sum of \$767,570, say \$30,000 augmentation of the current expense; and this in contradiction of the most formal declaration of the Executive declaration, which was solemnly expressed in these terms in the message: "The army shall be reorganized on a plan which realizes two good things—an economy in the expenses and a solid military instruction." This plan has yet to appear.

But the representatives of the nation were called on to give their concurrence to a much greater and more extraordinary surprise, to a conduct subversive of all that is serious in the handling of the people's revenue. In fact, in addition to the total sum to which the budgets amount for the service of 1877-'78, say \$4,428,336, the same secretaries of state have successively laid before the House of Representatives—

1st. A project of law on the administrative police, admitting an expense of \$100,000, and consequently an augmentation, to be put in the budget, of \$75,000.

2d. A project of law on the normal primary school, creating a new expense of \$70,000.

3d. Borott's project for the establishment of railroads, at \$35,000 annual subvention.

4th. A project for a bridge over the Artibonite at \$95,000, and this after it was ordered by the project that the bridge was to be constructed by contractors advancing their own capital for the funds payable the first year, \$25,000.

5th. Stevens's project of \$210,000, of which the budgets say nothing as yet since the end of last year; the council of secretaries of state had consented to the renewal of the water-works, under the heavy condition of an indemnity of \$30,000 in favor of the contractor. Then comes the unqualifiable omission to be repaired, viz, \$60,000.

6th. A project of the superintendence and the inspection of schools, augmentation which amounts to \$17,000.

Total \$4,710,336.

Thus already the true, real figures proposed by the council of secretaries of state for the public expenses amount to \$4,710,336, while, according to the law, the receipts cannot be more than \$4,465,558.

Hence already the deficit is \$244,778, more than double the proposed amount for the augmentation of administrative salaries. This is not all. The council of secretaries of state omitted the project of law augmenting the salaries of teachers, a project already voted last year by the House of Representatives on its own initiative, say \$100,000.

Consulted by the Senate to know what were the views of the Executive as to buying or subventioning the theatre of Port au Prince, the Executive gave its opinion for buying it, and the chamber ratified the decision; hence a new expense of \$15,000.

To the vote of the law which increases the emoluments of the judges, the secretary of justice added the proposition of the committee of justice to hereafter pay the substitute judges, thus making a new expense to be provided for, \$35,000.

Total, \$4,860,336.

In a rectificative budget the council of secretaries of state having exceeded the budgets in exercise by \$243,743, ask that a half of that value should be taken from the sinking-fund created last year as the pledge of the numerous creditors of the state. Now as this is not possible, except by imperiling the good faith of the legislature, this deficit on the coming ordinary service must be provided for, viz, \$121,871.

Total, \$4,982,207.

In effect, then, the House of Representatives had to consider a financial situation created, so to say, by the pleasure of the secretaries of state. It finds itself in face of a receipt of \$4,465,558, and of propositions for expenses amounting to \$4,982,207, from whence arises the deficit of \$516,649.

The concern for its duty, because the council of secretaries of state visibly failed in theirs, gave rise by its own initiative to the commissions composed of the commissioners on the budgets of the House, of the Senate, and the council of secretaries of state.

Now, while the members of the Corps Legislatif were aiding by their most devoted and conscientious efforts the secretaries of state in renewing their budgets, so as to judge of the importance of their own projects in order to assign to these projects an order of priority which would at least be conformable to the public funds, these same secretaries of state, by an insertion made in the last number of the *Moniteur*, stigmatized with a visible and evil intention the patriotic labor of the Corps Legislatif.

Well, is it not, then, these secretaries of state themselves who ordered the adjournment of their projects at the very time when they consented to work in concert with the legislative commission on this point, so as justly to know from their projects, jointly with those which emanated from the initiative of the members of Parliament, which might be most important, and consequently most admissible for the present?

In consequence, the House of Representatives by its deliberation of this day declares the conduct of the two secretaries of finance and of the interior anti-patriotic and blamable.

It orders that the present note be forwarded to the Executive to be put at the head of the first column of the *Moniteur* of Saturday, 11th instant.

Done at the House of Representatives, &c., the 10th day of August, 1877.

ST. MARTIN.	Général L. J. VILLE-CERCLE.
DUPUY.	OVIDE CAMEAU.
JUSTIN.	E. PINKCOMBE.
LOFFICIAL.	EM. LALANNE.
TOVAR.	W. DÉJOIE.
E. PAUL.	D. BRAS.
HUC.	GOLDMANN, JR.



[Inclosure B in No. 531.—Translation.]

*President Canal to Deputy Paul.*

PORT AU PRINCE, August 11, 1877.

*To the Deputy EDMOND PAUL, Port au Prince :*

MONSIEUR LE DÉPUTÉ : The vote in the chamber at its sitting of yesterday, and the criticisms which accompany and comment upon it, have as their logical consequence brought on a ministerial crisis.

According to parliamentary principles adopted everywhere, it belongs to those whose proposition has rallied the majority, and put the ministry in the necessity of retiring, to form a new cabinet. I think, therefore, that I am within the true constitutional limit to act conformably to the theory which you yourself invoked at the time of my first call, and to render to the decisions of the chamber as well as to your own talent a merited homage, in offering to you for the second time a ministerial charge, and praying you to be pleased to aid me in composing a new cabinet.

The gravity of the actual condition of things, to which the vote of yesterday adds a new complication, does not permit me to doubt that you will respond to this appeal addressed to your patriotism and your intelligence. You will feel, I am sure, as profoundly as I do, the importance which the decision of the chamber attaches to your assistance, and you will not think of refusing an undertaking for which a capacity everywhere recognized, and a manifest influence in the Parliament, have long designated you.

Accept, Mr. Deputy, the assurance of my high consideration.

BOISROND CANAL.

[Inclosure C in No. 531.—Translation.]

*Deputy Paul to President Canal.*

PORT AU PRINCE, August 12, 1877.

*To the President of Hayti :*

MONSIEUR LE PRÉSIDENT : I had the honor to receive your message yesterday, between five and six o'clock in the evening.

Having already made known to you verbally my response, nothing more remains for me than the honor of thanking you anew for having addressed it to me.

I pray you, Mr. President, to accept my most profound civilities.

E. PAUL.

[Inclosure D in No. 531.—Translation.]

*Message of President Canal to the Haytian House of Representatives.*

PORT AU PRINCE, August 13, 1877.

(Seventy-fourth year of Independence.)

*Boisrond Canal, President of Hayti, to the House of Representatives :*

MESSEURS LES DÉPUTÉS : At the very moment when two successive votes seemed to establish that the cabinet had all the confidence of the house, when there did not exist between the powers any appearance of dissidence, an unforeseen vote, on a simple question of propriety, provoked a ministerial crisis, without any previous explanation being demanded of those who were attacked.

This situation, as you easily understand it, is so much the more embarrassing as the session is coming to an end, and the budgets are not even voted. A new ministry, called in similar circumstances, would necessarily need a certain delay to study these budgets and to discuss them before the chambers.

-In order to obviate such an inconvenience and to obey the law of majorities observed everywhere in parliamentary countries, my choice would necessarily fall on the men who were acquainted with the affairs of the country, and who would come from the very midst of the assembly whose vote overthrew the cabinet. Moreover, the order of the day of the chamber left me no other alternative; it is said, in fact, on the one hand, that the budgets presented are subversive of all that is serious in the handling of public revenues; and, on the other hand, that the chamber saw itself in the obligation to make them over again. It logically followed that the member of the chamber who had drawn up and proposed this order of the day, could not, in view of his patriotism, refuse to come and aid in drawing up a budget serious and hereafter conformable to the principles which he invoked against my ministry.

I therefore called the deputy Paul, and left him all latitude to form a cabinet of his own choice. I regret to announce to you that he thought it best to shun the consequences of the vote which he had provoked. As chief of the state I must obey parliamentary usages in accepting the resignation of my ministers who seem to have lost the confidence of the chamber. But is not this obligation reciprocal, and is there not, for the authors of the ministerial crisis, an altogether imperious duty not to decline the responsibility and the consequences of their acts? Otherwise ministerial crises will unceasingly succeed one another, and my government will soon be reduced to the deplorable situation of no longer being able to find, to serve it, men possessing the guarantee required by the assembly itself.

I call your most serious attention, Messieurs, to the condition in which similar proceedings place the government. I would not have had to raise this question if the deputy Paul had accepted the portfolio which was offered to him; but in the face of his refusal, I can explain to myself less and less how the assembly could pass a vote which provokes the retirement of the ministry, without giving to the ministers time and opportunity to be heard, so as to determine and define mutual responsibilities. It is a regrettable precipitation which the legitimate susceptibilities of a great body could undoubtedly justify, but which its wisdom and justice are called to repair in finding the equitable solution to a situation equally embarrassing for the two powers.

Receive, Messieurs les Députés, the assurances of my very high consideration.

BOISROND CANAL.

[Inclosure E in No. 531.—Translation.]

*Response of the Chamber to the message of President Canal.*

MESSAGE.

PORT AU PRINCE, August 13, 1877.

*To the President of Hayti :*

CITIZEN PRESIDENT: The chamber has the honor to respond to your message of this day, which has had its most serious attention.

It understands with difficulty that you can invoke, in the circumstance, the law of majorities. Its duty is to remind you that the majority of the chamber has applied itself until this day to defend the cabinet wherever it has been attacked, and that the deputy Paul, whom you wished to honor with your confidence in calling him to the counsels of the executive, has always voted with that majority which has shown itself on every occasion so considerate toward the ministry.

Be well pleased to remember, Citizen President, that the members of this very ministry, the constant object of our sympathy, we would almost say of the high solicitude of the Corps Législatif, are those who, by a deliberate purpose, when the chamber expected it least, provoked by a note in the *Moniteur* a crisis which was so little in our expectations, and attracted this vote, which is not the work of a party, or even of the majority, but which is the expression of the unanimous sentiments of the house of representatives.

The assembly, moreover, can the less explain to itself that the refusal of Deputy Paul to accept a portfolio should put you in the impossibility of fulfilling your constitutional duties.

As to what you are pleased to call a regrettable precipitation, the chamber can explain to itself less and less the invitation which you seem to make to it to repair that precipitation by listening to the explanations which your secretaries of state might have offered to it in order to determine the responsibilities which the dignity of the nation that it represents does not permit it to provoke, being in the right as to the occurrence, and having constantly given, as it begs you not to forget, numerous and unequivocal proofs of its justice and wisdom.

The chamber, Citizen President, salutes you with the highest consideration,

EUG. MARGRON,  
*President of the Chamber.*

Attest:

ULYSSE DÉCATREL,  
*Secretary Archivist.*

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## ITALY.

No. 173.

*Mr. Marsh to Mr. Fish.*

No. 641.]

LEGATION OF THE UNITED STATES,  
*Rome, November 16, 1876. (Received December 9.)*

SIR: I forward to the Department of State, by this post, two Roman journals, containing in detail the returns of the election of November 5 and 12 for members of the new chamber of deputies. Out of a little more than five hundred members, upward of four hundred were elected by the ministerial party. Only about three-fifths of the deputies were members of the late chamber, and a considerable number of the remainder are new to political life. Unfortunately for both parties, as I think, many of the ablest debaters and soundest legislators of Italy were defeated, and in many instances in districts where opposition was hardly expected. There are, however, a considerable number of deputies who are elected by two colleges, and their option between these districts will leave vacancies which it may be hoped will be filled by some, at least, of the rejected candidates. What parliamentary talent may be shown by new members, or by those who are now transferred from a comparatively inactive minority to a responsible majority, cannot be foreseen, but, as far as can now be judged, the chamber will not contain many members conspicuous for statesmanship or for legislative ability.

The remarkable result of this election is, in a very small degree, if at all, due to administrative pressure or influence; and leaving out of view some groups of malcontents, whose position is determined by local interests, it must be regarded as a spontaneous expression, I will not say of deliberate public opinion, but at least of a popular sentiment of dissatisfaction with the policy of the late administration, and especially of discontent with the heavy burdens of taxation imposed by it upon the people.

The ministry is in danger from the tendency of all large majorities to divisions, from the want of experienced and dexterous debaters and party strategists, and more especially from its inability, I may almost say its apparent indisposition, to adopt any important measures tending to the relief of the grievances complained of. The ministry is thus far committed only by vague promises of administrative reform, but it is not pledged to any one definite measure of improvement in any branch of the public service, and I see no reason to believe that it will adopt a policy essentially different from that of its predecessor.

It is said that it will propose measures for securing a better administration of criminal justice; for increasing the facilities of communication between the different provinces; for putting the relations between church and state on a better footing; for a more efficient organization of the treasury department, whose attributions are more comprehensive in Italy than in the United States; for a considerable extension of the right of suffrage; and for transferring the nomination of many municipal officers from the crown to the people. But I cannot learn that it has any intention of suggesting any serious plan for the reform of criminal justice, and in fact the only definite measure I have heard of as contemplated is the formal abolition of the punishment of death, which has already almost completely ceased to be actually inflicted.

The public feeling in regard to the repression of crime, roused two or three years ago, has, I am sorry to say, quite abated, and there is now an almost entire indifference on the subject. The failure of the ministry, therefore, to take the only effectual steps by which life and property can be rendered reasonably secure in Italy, will not excite disappointment or complaint.

I see no reason to expect from this administration any more vigorous resistance to the encroachments of the church. Financial difficulties will prevent the execution of important works of public improvement; and the administration does not even profess to design the abolition of the *macinato* tax, or of any of the financial abuses which weigh so heavily on the poor. The admission of younger men to the electoral franchise, which is now limited to those who have attained the age of twenty-five years, and especially a commencement of decentralization, by conferring on municipalities the power of appointing officers, the sphere of whose duties is local, would be real, and, I think, highly acceptable reforms.

But unless the new cabinet shall, as some of its more sanguine friends confidently predict it will, perform more than it has yet promised, I do not expect for it a long or a brilliant career, and it will require more parliamentary dexterity than its supporters have yet shown themselves to possess to save its great majority from speedy diminution, if not from a complete dissolution.

I have, &c.,

GEORGE P. MARSH.

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No. 174.

*Mr. Marsh to Mr. Evarts.*

No. 662.]

LEGATION OF THE UNITED STATES,  
Rome, April 23, 1877. (Received May 14.)

SIR: The newspaper notices of the seditious outbreak recently suppressed in Central and Southern Italy will not have escaped your attention. The true character, scope, and extent of the movement is not yet fully known to the public, but it is certain that a band of twenty-five or more persons, of whom some were foreigners, and nearly all strangers to the province, after committing many violent excesses in the neighborhood of Benevento, were dispersed, and finally arrested by the police and the military, and that about twenty others, apparently confederates of the above mentioned, among whom was but a single Roman, were intercepted near this city on their way to a rendezvous in the mountains. Many arrests of individuals known or suspected to be in communication with these disturbers of the peace have taken place at Bologna and elsewhere, and there is reason to suppose that the association to which they belong is, though not apparently formidable in numbers, somewhat widely diffused. This attempt at insurrection does not appear to be due to any local or special cause. It did not assume alarming proportions as an actual revolt against the government, nor do I think that even as a political symptom it has the importance which some persons both in and out of Italy are disposed to ascribe to it.

The parties arrested are said to belong chiefly to Eastern Lombardy and other provinces of the old Pontifical States, which, as well as those of the Neapolitan territory, have long been conspicuous for the depraved character of the population and the misery to which those dependent on agricultural and mechanical industry have been reduced

The insurgents, however, do not appear to belong to the lowest ranks of society, and the fact that they were able to avail themselves of railway conveyance to so great a distance, and were not ill-provided with clothing and other necessaries, shows that they were not impelled by the pressure of immediate want, or that, if themselves without pecuniary means, they were instigated and encouraged by persons commanding a certain amount of resources. Papers of the most incendiary character were found upon them, including a compromising correspondence; and it is said that a portable printing apparatus has been seized as a part of their equipment. The prisoners, it is reported, do not hesitate to avow their purpose to be not only the overthrow of the existing government but the destruction of all established civil, social, and religious institutions, and the triumph of universal anarchy.

There have for some time existed in various parts of Italy numerous International clubs, circles, or lodges, but this is, so far as I know, the first organized aggressive manifestation of what is called the International spirit in Italy, though many individuals have long been known or believed to be meditating formal action upon subversive principles. The International clubs to which I have alluded have now been suppressed by the government, but I do not know that evidence has been found to connect any of them with the insurgents, or, upon any extensive scale, with each other, in any definite plan of action. They appear to be generally mere cliques, consisting of a very few individual malcontents, and sometimes only of a nominal organization without real active members. It has been even said that the police sometimes gets up professed International clubs, which put themselves in relation with those of a more serious character, and serve to make known to the government the real aims and action of these associations and their managers.

The views and purposes avowed by the insurgents lately arrested, have not heretofore characterized the illegal action of the most ignorant, the most depressed, or the most depraved classes of Italians. Their most frequent offenses are murders or assaults in the accomplishment of private vengeance or robbery. Crimes accompanied with violence seem to have a special attraction for them, for although rural proprietors complain much of predial thefts, yet among the civic population stealing is certainly not more, I think even less, common than in some other countries, while assassinations, highway robberies, carrying off of persons to extort a ransom, and the frequent use of dangerous weapons in ordinary quarrels, are frightfully frequent, so frequent, in fact, as to excite comparatively little attention among the general public. The minister of grace and justice reports that in the year 1876 there were reported 1,949 murders, 1,581 assaults with intent to kill, 6,288 aggravated assaults and batteries, 2,299 highway robberies, and 657 forcible extortions and ransoms. There is reason to believe that many murders have escaped detection, and the system of terrorism kept up by malefactors prevents great numbers of persons robbed or maliciously injured in their persons from making any complaint to the legal authorities. The actual amount of crime of this general character in Italy, is, therefore, very considerably greater than appears from these statistics.

This lawlessness of the people is in but a small degree to be ascribed to a feeling which is so universal and so repulsive a feature of the society of certain other European countries—the envy and hatred of the poor toward the rich—and the outrages of the populace against law are not often of a strictly political character. Their enmity to their rulers or superiors is not against *institutions*, although long centuries of arbitrary and oppressive

rule have taught all classes of Italians habitually to regard *all* government as a hostile power. But it has been felt to be a power above the reach of a people politically disunited, and, in the want of a public press, without organ of expression of any common opinion or feeling; and popular hatred and popular violence were directed not against inaccessible rulers but against officers regarded as their ministers and representatives. Bailiffs, policemen, all officers of justice, in fact, have always been objects of popular scorn and detestation in Italy. In all questions between the authorities and individuals, the people have presumed the latter to be in the right, and an accused or condemned malefactor is regarded as a victim to persecution. In case of resistance to a bailiff by an arrested person, nearly the whole population will, at this day, without even inquiring into the circumstances, take part with the prisoner, and if they do not forcibly rescue him, at least favor his escape.

The modern freedom and facility of personal communication, the circulation of journals, and the diffusion of instruction have raised the government in popular estimation, but the habitual, one may almost say instinctive, feeling of dislike toward the ministers of justice is by no means eradicated, and they can rarely count upon any assistance from the people in the execution of their special duties.

The greater freedom of which I have spoken has produced a more unrestricted intercourse between the people of different provinces and different positions, and disorganizing agitators have now ready access to those over whom their influence is most to be dreaded, and who too often prove willing listeners to their seductions, and at the same time ignorant enough to be open to arguments and persuasions of the most incongruous character. "Long live Pius IX!" was shouted by the Internationalists at Benevento in the same breath with their cries of sedition, and I once heard an ultra-republican orator denounce the existing government before an audience of railway-laborers in Tuscany, because it put up no images of the Virgin and the Saints in the stations, as would be done if the people were "free," and conclude his harangue with a "Hurrah for Garibaldi!" in which he was joined by his hearers.

The number of persons prepared to lend a ready ear to the promptings of International emissaries, already large, is, I fear, increasing in consequence of a variety of circumstances.

The establishment of the kingdom of Italy and the consolidation of the Italian states awakened a new national life. Under its reformed administration there has been a general improvement in the condition of landed proprietors, and but for the frequent and heavy losses sustained by rural industry in its great staples from frost, hail, drought, floods, and the diseases of the grape and silk-worm, the fertility of the soil and better methods of husbandry would have secured to agriculture a prosperity which could not but have been shared by the lowest as well as the highest ranks. But unfortunately these severe drawbacks, and perhaps in a still higher degree the heavy taxation to which the state has been compelled to resort in consequence of the wars of 1859 and 1866, of the removals of the seat of the government, and of numerous public improvements, have diminished the resources and increased the burdens of the laboring poor to such a degree that nothing but exceptional industry, health, and economy can enable them to sustain life in reasonable comfort. Their energies are depressed by the consciousness that they cannot depend on their own unaided efforts to better their condition, still less hope to improve the lot of their children, and most of them expect no favorable change in their circumstances except from private gambling or a lucky turn of the government-lottery wheel. Many of

the taxes, such as those on salt and on the *macinato*, or grist, are particularly oppressive to the poor, the former for reasons of health, the latter because his food is composed almost exclusively of ground cereals and chestnuts, the more nutritious aliments which enter largely into the diet of the rich, very seldom appearing at his board. The excise and other forms of taxation on lands and mechanical industry, and on their products are such that the agriculturist and the manufacturer cannot keep up their capital and pay their operatives wages on which they can subsist. This has been lately strikingly shown by Senator Rossi, the proprietor of some of the largest, best equipped, and best conducted factories in Italy, if not in Europe.

Mr. Rossi states that one-half of the cotton spun and woven in the most eastern provinces of Italy in 1876 still remains in the hands of the manufacturers, and that the price of the raw material is falling; jute-factories cannot be sustained; one-third of the spindles in the woolen and hemp factories are stopped, a great amount of last year's product is unsold, and the proprietors are preparing to reduce their operations still further; the very important woolen-works in the district of Biella are in "a state of crisis," partly stopped and partly reduced in activity; the woolen-factories in the districts of Cosentino, the Liris, and Salerno, where the wages have been brought down to a minimum, are suspending, and other establishments of the same sort have failed and are offered for sale; two-fifths of the silk-factories are closed, four hundred looms having stopped at Como, and those working running at a loss; the paper-mills have a great surplus of their products, which are little in demand, and are discharging their hands; the potteries are depressed; the iron-works have gradually failed, and even the great establishments at Pietra Santa, Sanpierdarena, and Leghorn are embarrassed. The remarkable woolen-factory at Schio pays 2 per cent. dividend on its capital, and more than \$35,000 taxes on its operations. The woolen and hemp industry of Italy, which made no dividend on last year's operations, paid on the same year \$19,000 taxes on its stock or capital; the Cantoni cotton-factory, which divided 1 per cent., paid \$20,000 taxes on its stock and industry in 1876; and Senator Rossi himself lost \$20,000 on the operations of a match-factory, occupying two hundred and fifty girls, undertaken solely in the hope of helping them to earn their bread.

I may notice, in passing, that facts like these are modifying the opinions of Italian industrials on the question of protection to domestic manufactures; but it is more to my present purpose to observe that the misery of the Italian poor and their weight as a dangerous element in society must soon become intolerably aggravated unless a remedy for this state of things, of which there is no present prospect, be provided, and that a failure of the crops of breadstuffs and other staples like that of last year will produce an amount of physical suffering and discontent which will be attended with very serious consequences to the public welfare.

The political aspect of the situation is certainly grave, and when we take into account the embarrassments created to the action of the government by the hostility of the clerical party to all the existing civil institutions of Italy, and the general want of security for life and property against lawless violence, a point in which there is no serious improvement, it becomes evident that in many supposable contingencies Italy may be the theater of convulsions, to resist which will demand the most strenuous efforts of wise rulers and the most self-sacrificing patriotism on the part of her governing classes.

I have, &c.,

GEORGE P. MARSH.

No. 175.

*Mr. Marsh to Mr. Evarts.*

No. 669.]

LEGATION OF THE UNITED STATES,  
Rome, May 8, 1877. (Received May 26.)

SIR: I inclose herewith a slip and translation from the editorial columns of the *Opinione*, relating to the rejection of a ministerial bill for repressing the license of the clergy in public attacks upon the ecclesiastical policy of the royal government. The *Opinione* was the semi-official organ of the late ministry, and is supposed to express in general the sentiments of the leaders of the opposition in Parliament. It is, moreover, a journal conducted with much ability, and has a wide circulation and great influence. Although disapproving the presentation of the bill by the ministry as inopportune and impolitic, it has taken the ground that, having been presented and so amended as to render it inoffensive, its rejection by the Senate would be an error which could not but be injurious to the liberal party, and to the best interests of the state. The bill was objected to, both on account of certain features which have been removed by amendments in the Senate, and because it is a special law, not forming a part of the general code of criminal law. In its provisions it is, in the main, similar to articles introduced with general approbation into a bill for the enactment of a new criminal code, still pending in Parliament. I cannot, at this moment, inclose a copy, but will do so by an early mail. The rejection of the bill is important, not only for the reasons adduced by the *Opinione*, but as a rare instance of the exercise of the power of rejection of bills by the Senate, which body, as many contend, represents the ministry and the Crown, and is bound by their recommendations.

The constitutional question will now be warmly agitated, and the discussion may lead to considerable changes in parliamentary practice, and not impossibly in the ministry itself. I have no doubt the *Opinione* is right in thinking that the rejection of the bill will have an unfavorable effect on the liberal party. It will, at least, renew in Italy the popular agitation of the question of the legal relations between church and state, which is now exciting public feeling and acting upon public opinion in France, Belgium, and other states; it will encourage the clergy to measures of more active hostility against the state, and may thus have consequences reaching further than can now be foreseen.

I have the honor, &amp;c.,

GEORGE P. MARSH.

[Inclosure.—Translation.]  
[From L' *Opinione* of May 8, 1877.]  
SENATE OF THE KINGDOM.

After a discussion of nine days, after the withdrawal of the motion to refer the bill back to the committee, and after the adoption of a series of amendments, the Senate has, in secret ballot, rejected the amended bill by 105 out of 197 votes.

The first article, as amended, removed all danger of arbitrary action (in applying to law), and the article as modified by the amendments moved by Senators Cadorna and Lampertico, having been adopted by a vote of 103 to 93, it was generally supposed that the Senate was disposed to pass the bill. But the real import of that vote was a notice that the bill would be rejected, as in fact it was. The consequences of the rejection will not be slow in manifesting themselves in Parliament, or in the general policy of the state.



No. 176.

*Mr. Marsh to Mr. Evarts.*

No. 670.]

LEGATION OF THE UNITED STATES,  
*Rome, May 10, 1877. (Received May 28.)*

SIR: The results of the vote of the Italian Senate on the bill for repressing abuses by the clergy, of which I spoke in my dispatch May 8 No. 669, are beginning to manifest themselves, though perhaps, thus far, not precisely in the way anticipated. The Hon. Mr. Sella, president of the constitutional association, and leader of the opposition in Parliament, has resigned the former of those positions, and I inclose a slip from the *Opinione* of this morning with translation, from which it will be seen that this is regarded by that journal as a very significant political event. I forward also copies of the *Diritto*, the leading ministerial journal, with an important editorial, which is too long for translation and transmission by to-day's post. The constitutional association is an organization whose scope is implied in its title, and cannot easily be defined with greater precision than in the words by which it is described in the article I refer to. It embraces nearly all the moderate conservative politicians of Italy, and its late president, Mr. Sella, is among the most conspicuous men of our time, whether as a statesman, a parliamentary orator, or an influential leader of public opinion, and he has an European reputation as a man of wide scientific attainment and great intellectual power and culture. It is said that the Senate is sustained by what is known as the "Tuscan section" of the majority in the Chamber of Deputies, and as the ministry is thus deprived of an important element of its strength, a remodeling of the present organization of parties, a dissolution of Parliament, and a new election, in which the religious question would play a principal part, seem probable. The violence of the clergy and of their lay supporters in Italy and in France is almost beyond description, and any one living among them has abundant opportunities of being convinced that they are prepared to resort to arms in support of the pretensions of the Papacy and the principles of the syllabus of 1864, and that they hope to find, in the present political complications of Europe, an occasion for the employment of material force in the universal re-establishment of the civil supremacy of the church.

I am, &amp;c.,

GEORGE P. MARSH.

[Inclosure.—Translation.]

[From *L'Opinione* of Rome, of May 10, 1877.]

## THE RESIGNATION OF MR. SELLA.

The determination announced by Mr. Sella to resign the presidency of the Central Constitutional Association has caused a sensation in all the political circles which it would be in vain to dissimulate. It appears that this determination has been taken in consequence of the vote by the Senate against the law on the abuses by the clergy. But respecting this law, was his party bound to vote in one way rather than another? This is the first question that every one asks of himself. Another question is this, to what point, in the Chamber, in the Senate and in the country, does the action of the head of the Central Constitutional Association extend?

It is easy to reply to the first question. Mr. Sella has not denied that every one was free to vote upon the law on the abuses of the clergy as it appeared best and as he might choose. It was not a party but an individual vote. We express no opinion upon the fact; we only assert it, and the vote in the Chamber was the proof of it. In that vote the opposition did not express itself as a party; some were favorable, others

contrary, and no one thought that this dissent signified a division in the party. Mr. Sella himself did not believe it.

In the Senate, the political situation was different, and the intervention of the whole European clerical party should have acted as a warning to the Senate that a high political question had come upon the field, which question, if not decided in a liberal sense, would necessarily be decided in a clerical sense, whatever might be the liberal intentions and sentiments and principles of the senators notwithstanding. In Mr. Sella's opinion, the bill ought to be approved, modified, amended, and corrected, and he said so to several senators. But not all knew it; and some, when they learned it, had already promised their vote. He did not think fit to call together the association in order to expose to it clearly his ideas, so that none should be ignorant of them. Not a few senators, considering what had taken place in the Chamber, had no suspicion that voting against the law might be the cause of a division in the party, and declared this to Mr. Sella as soon as informed that he had taken the determination to withdraw from the supreme direction of the opposition party. Mr. Sella should take this circumstance into consideration. We have explained it in the most explicit manner before passing to the second query.

Mr. Sella is not only the president of the Central Constitutional Association, he is also the chief of the constitutional opposition in the Chamber. The two high charges are united in him, but might be separate from each other, but only to the prejudice of the authority and action of the party. The chief of the opposition in the Chamber could not expect to exercise equal influence in the Senate, but the president of the association has the right to expect that the senators, who form part of it, will not take serious resolutions before arriving at an understanding with him.

To us it has never seemed fitting that the Senate should be a militant political assembly. It is, in our opinion, a congress of experienced and learned men who give to the Crown and to the nation guarantees of intelligence, of probity, of calm impartiality, who judge laws according to their intrinsic value, regardless of the ministers who present them and unbound by the inflexible ties of party. The conditions of the opposition in the Chamber and in the Senate are so different that it would not be possible to give to both of them the same direction. It would be opening a passage to extreme confusion, for the opposition in the Chamber is essentially political, while in the Senate it is principally legislative and administrative, and could not become political except when it saw the ministry taking a course, the result of which then would be disorder and the ruin of the state. The purposes and the offices (committees) of the Senate and the Chamber being distinct, it should not be inferred that the general spirit that moves both should be different, and that there should be no community of ideas, of thoughts, and of aims between the two assemblies. To the Central Constitutional Association belong senators, deputies, and free citizens who do not sit in Parliament. They meet together, because they have in common a programme of government, and in common the desire to defend, no less valiantly, liberty against arbitrary measures than order against anarchy. For order does not consist alone in public quiet. In this aspect, order is a matter for the police and not for politics. Order can be maintained in the streets while there is being prepared a moral disorder, which overthrows all ideas, deranges all the administrations, and lowers the intelligence and the heart. The Central Constitutional Association has this programme: to protect liberty when menaced, and to fight for those principles of moral and material order that are the foundation of civil society. Among those who compose it, some divergence (of views) may at times manifest itself. Is such divergence slight and not irreconcilable with great principles? It may be disregarded. Are they dissensions in principle, in direction, in attitude? Then it is better to come to explanations and declarations. No difficulty can be resolved, nor can any question be determined by silence. The best policy has ever been that of speaking plainly, for it is only by clear and loyal declarations that a criterion can be found for distinguishing between friends and foes.

If the letter sent by Mr. Sella to Mr. Rudini had but this scope in view, to open a discussion in the central association, we think that it would have been opportune.

We do not believe that the committee will deliberate on the letter of Mr. Sella, but that it will limit itself to its communication to the association from which it holds office.

But he has certainly the right to demand that the party should have confidence in him, in Parliament as well as in the country; and that it has, there are too many sure indications to doubt it. The only thing that remains to be done is that Mr. Sella and his friends may have a clear understanding between them, and that they may not make speeches to be interrupted half way. Let them go to the end, and let each one express entire his own opinion.

We know many who have no other desire than that Mr. Sella should lead them in all the political contests; all follow him with affection, having faith in him, and knowing that he could not be replaced by any one with the same authority in Parliament and in Italy.

A meeting of the association is besides very useful and opportune, now that important questions lie before the mature reflections of the Chamber.

Mr. Sella is not one of those who, even while chiefs of party, withdraw to gratify a caprice. No office does he accept that he is not sure of filling completely. Nevertheless, the high magistracy to which he was called by the confidence of his political friends is a serious matter for him. Nor could he resign it on account of the vote of the Senate, the vote of an assembly from whom it would not be reasonable to exact a strict party discipline.

No. 177.

*Mr. Marsh to Mr. Evarts.*

No. 673.]

LEGATION OF THE UNITED STATES,  
*Rome, May 26, 1877. (Received June 11.)*

SIR: The political agitation in Italy still continues, and the Parliamentary debates are daily becoming more excited, acrimonious, and aggressive toward the ministry. Taxation and other financial matters form the principal subjects of discussion, but the impression produced by the recent political events in France, and by the continually repeated violence of the ultramontane press in Italy and elsewhere, and of the Pope himself, does not fail to manifest itself in the tone and temper of the discussions. Something of a soothing effect was produced yesterday by a declaration of the minister of foreign affairs in Parliament that satisfactory assurances, not merely of pacific intentions, but of friendly sentiments toward Italy, had been received from the chief magistrate of the French Government. In what form or language those assurances were couched did not appear, and probably something more explicit will be called for.

The financial discussions are interesting, from the distinct avowal by eminent statesmen that the interests of the laboring classes and the encouragement of home productions ought to be considered in the imposition of duties; and, in fact, something like the legislative protection of domestic industry is not unfrequently hinted at as a sound policy, although free-trade doctrines are still very generally entertained, and there is, as yet, no party which advocates a distinctively protective tariff.

The excesses of the clericals are producing their natural and legitimate effect in a feeling of dissatisfaction with the position in which Italy has placed herself toward the Papacy by the law of guaranties. A recent allocution by the Pope, in which, for acts of the German Government, Count Bismarck is likened to Attila, is much commented upon, and it is seriously asked whether Italy can protect herself against all responsibility for tolerating the use of such language in public discourses by the Pope, and its circulation through the press, under the plea that, by the seventh article of the law referred to, she has enacted that the Pope "is free to perform all the functions of his spiritual ministry, and to affix to the doors of the basilicas and churches of Rome all acts of that ministry." Such questions are bringing more clearly into view the incongruities and inconveniences of the anomalous position in which the general sovereignty of the State and the still higher virtual sovereignty of the Papacy, admitted by the terms of the law of guaranties, are placed toward each other. The syllabus of 1864, having been promulgated before the enactment of that law, was notice to all the world of the extent of the inalienable rights claimed by the Papacy, and it is not a violent stretch of Vatican logic to maintain that, in spite of its protests, the law in question is legally a recognition of those claims. In fact, there are many occasions of collision between the two jurisdic-

tions, such, for example, as the right of asylum implied in the extra-territoriality of the Vatican, which can never be avoided or reconciled without such an abandonment of the claims of one of the parties as will be yielded only to superior force; and hence a violent conflict between them is at any time probable, and at no distant day certainly inevitable.

Such occasions were expected by many to arise from the pilgrimages to Rome on the fiftieth episcopal anniversary of the present Pope. But the number of pilgrims thus far has not reached the tithè of that predicted, probably not amounting in all to ten thousand, while the garrison and municipal police have been quietly strengthened to a force abundantly able to repress any disturbance. The death of Pius IX and the election of his successor, events almost hourly expected, are looked to as probably fraught with important changes in the attitude of the Papacy toward Italy, and in the general policy of the church. For this expectation I see no ground, though the Roman Curia is at all times shrouded in such mystery that the purposes of those who administer it are very rarely foreshadowed, and no positive predictions can ever be hazarded concerning it beyond the general presumption that its future will be like its past.

I have, &c.,

GEORGE P. MARSH.

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No. 178.

*Mr. Marsh to Mr. Evarts.*

No. 678.]

LEGATION OF THE UNITED STATES,  
Rome, June 1, 1877. (Received June 18.)

SIR: Although much improved in health since Mr. Wurt's dispatch No. 676, I do not yet think it prudent to undertake any work requiring continued attention. I may, however, notice certain proceedings in the Italian Parliament of some interest. The Italian ministry has gained, in spite of strenuous opposition, a victory of some importance in the imposition of increased duties on sugar, and in the rejection of a motion for the reduction of the charges on salt, which is a government monopoly, by 55 centimes per kilogram. It is apparent, however, from the tone of the debate and from other evidence, that the success of the ministry is due less to its own strength than to the general repugnance of political men to inflict upon it, in the present posture of public affairs, a defeat involving its retirement and the formation of a new ministry, which, it is thought, could not now be organized from the ranks of the majority. The position of the ministry on these financial questions is thought not to be in harmony with its promises of financial reform and relief; but it proposes, by way of compensation, a considerable reduction in the taxes on personal property, including the income tax. By the law at present in force, incomes as low as 400 francs pay an annual tax of 39 francs 60 centimes. This it is proposed to reduce to 19 francs 30 centimes. The tax on higher incomes will be reduced at the rates of 37½, 33.21 and 12 per cent. for sums of 500, 600, 700 and 800 francs, respectively. The ministerial bill proposing these reductions will undoubtedly pass, and the measure will strengthen the ministry with the country.

I have, &c.,

GEORGE P. MARSH.

CORRESPONDENCE BETWEEN THE DEPARTMENT OF STATE  
AND THE ITALIAN LEGATION.

No. 179.

*Baron Blanc to Mr. Fish.*

[Translation.]

LEGATION OF ITALY IN THE UNITED STATES,  
*Washington, March 7, 1877. (Received March 7.)*

MR. SECRETARY OF STATE: My government having offered a prize of 5,000 francs in gold, to be awarded on the occasion of the fourth congress of Orientalists (which will be held at Florence in 1878), to the author, whatever may be his nationality, of the best work on Aryan civilization in India, would be grateful to the Government of the United States if it would be pleased to bring the conditions of this award, which are stated in the inclosed extract from the Official Gazette, to the knowledge of the learned public of the United States.

Thanking your excellency in advance for what you may do in furtherance of this object, which is calculated to promote and encourage learning, I renew to you the assurances of my highest consideration.

BLANC.

[Inclosure.]

*Offer of a prize for a monograph on Oriental history, to be awarded on the occasion of the fourth international congress of Orientalists, to be held at Florence.*

It was the first thought of Prof. Michele Coppino, minister of public instruction, on being notified of the decision of the fourth international congress of Orientalists to meet at Florence, to encourage some important work having reference to Oriental learning, on that occasion. Thus it is that, having heard the statement of the committee of arrangements of the congress, his excellency has resolved to offer a prize of 5,000 Italian lire for the monograph which shall be pronounced by the judges to be the best. The following are the conditions on which the award is to be made.

The subject shall be, "The vicissitudes of Aryan civilization in India." After a historico-critical examination of the elements which properly constituted Aryan civilization previously to its emigration toward the Punjab, as revealed in language, mythical traditions, religious belief, and customs, the subsequent history of that civilization shall be discussed in detail, together with the elements which modified it in its various Indian seats.

The learned of all countries are invited to compete for the prize.

Each competitor will address his manuscript, post-paid, either to Prof. Michele Amari, senator of the kingdom and presiding officer of the said fourth congress and of the committee of arrangements, or to the Italian legation in any country of Europe or America, not later than December 31, 1877.

The manuscript shall not bear the name of its author, but simply a device or motto, which shall be duplicated on the outside of a sealed paper containing the name of the author, and which shall be addressed, together with the manuscript itself, either to Senator Amari at Rome or to one of the aforesaid Italian legations.

The judges of the merit of the work shall be five gentlemen, whom the committee of arrangements has already selected from among the most distinguished cultivators of Aryan letters, only one of them being an Italian. The votes of these judges, given separately, shall be collected by the committee of arrangements, and the prize shall be awarded to that one of the competitors who shall have received all or a majority of said votes. The paper containing the name of the author shall then be opened; the others shall be burned.

The successful competitor shall retain full ownership of his work; their manuscripts shall be returned to the others at their request, at their own expense. In his inaugural report the presiding officer shall announce the result and make known the names of the judges.

The work presented may be written in Latin, Italian, French, English, or German.

The members of the committee of arrangements and the judges shall not be allowed to compete for the prize.

No. 180.

*Count Litta to Mr. Evarts.*

[Translation.]

LEGATION OF ITALY,  
 Washington, May 21, 1877. (Received May 21.)

Mr. SECRETARY OF STATE: Referring to the note addressed on the 7th of March last by Baron Blanc to Mr. Hamilton Fish, in relation to the prize offered by the Italian minister of public instruction on the occasion of the fourth congress of Orientalists, which is to be held at Florence in 1878, I have the honor, in pursuance of orders received from my government, herewith to transmit to your excellency a notice which has been published in the *Gazzetta Ufficiale* of Italy, and I beg you to be pleased to bring it to the knowledge of the learned public of the United States.

I avail myself of this occasion to offer you, Mr. Secretary of State, the assurances of my very high consideration.

LITTA.

[Inclosure.—Translation.]

NOTICE.

The committee of arrangements of the fourth international congress of Orientalists, which is to meet at Florence in September, 1878, published, on the 12th of January last, the programme of competition for the prize of 5,000 lire (francs), which has been offered by his excellency the minister of public instruction of the Kingdom of Italy, for the best work on "The vicissitudes of Aryan civilization in India."

According to this programme, the works of those desiring to compete for the prize in question were to be examined and the prize was to be awarded by five reputable Orientalists, only one of whom was to be an Italian.

In view of the possibility that the vote of some one of the examiners might fail to be given, or might not be received in time, and desiring that the number of votes cast by the judges may not be too limited, the committee has unanimously decided to add two other examiners—one a foreigner and the other an Italian—so that the total number will be seven, five of whom will be foreigners and two Italians.

None of the other conditions of the award have been changed.

The committee begs the delegates to the congress to give this notice the widest publicity possible, and to endeavor to have it inserted in the newspapers.

In behalf of the committee:

M. AMARI, *Chairman.*A. DE GUBERNATIS, *Secretary.*

ROME, March 14, 1877.

No. 181.

*Count Litta to Mr. Evarts.*

[Translation.]

LEGATION OF ITALY,  
 Washington, May 26, 1877. (Received May 26.)

Mr. SECRETARY OF STATE: Referring to the conversation which I had the honor to have with you day before yesterday, I hasten herewith to transmit to you a copy of the proclamation of neutrality which appeared in the *Official Gazette* of the kingdom of the 28th ultimo.

Be pleased to accept, Mr. Secretary of State, the assurances of the very high consideration with which I have the honor to be,

Very truly, yours,

LITTA.

[Inclosure. —Translation.]

MINISTRY OF FOREIGN AFFAIRS.

War having been declared between Russia and Turkey, and Italy being at peace with both these powers, it is the duty of the Government of the King and the citizens of the kingdom scrupulously to observe neutrality according to the laws in force and the general principles of international law. Those who violate their duties as neutrals shall not be entitled to the protection of the royal government and its agents, and will incur the penalties provided by the special and general laws of the state.

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 No. 182.
*Count Litta to Mr. Evarts.*

[Translation.]

 LEGATION OF ITALY IN THE UNITED STATES,  
*Washington, September 15, 1877.*

Mr. SECRETARY OF STATE: I have the honor to inform your excellency that the Government of His Majesty the King, my august sovereign, has instructed me to give notice of its desire for the termination of the consular convention concluded between Italy and the United States February 8, 1868, availing itself of the privilege granted to the parties who signed it by article 17 of said convention. My government advises me that a similar communication has been made to the legation of the United States at Rome.

I avail myself of this occasion to renew, &c.

LITTA.

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 No. 183.
*Mr. Seward to Count Litta.*
 DEPARTMENT OF STATE,  
*Washington, September 20, 1877.*

COUNT: I have the honor to acknowledge the receipt of your note of the 15th instant, giving notice of a desire on the part of the Government of Italy to terminate the consular convention concluded with the United States February 8, 1868, in accordance with the provisions of article 17 of the treaty.

Be pleased to accept, &c.

 F. W. SEWARD,  
*Acting Secretary.*


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 JAPAN.

No. 184.

*Mr. Bingham to Mr. Fish.*

No. 457.]

 LEGATION OF THE UNITED STATES,  
*Tokei, Japan, October 24, 1876. (Received November 29.)*

SIR: On the 21st instant I received from his excellency the Japanese minister for foreign affairs a dispatch in relation to certain regula-

tions for the government of the Ogasawara Islands, situated to the south of Nippon, and part of the Japanese Empire, copies of which dispatch, and a translation of the regulations transmitted with the dispatch, I have the honor to inclose. (Inclosures Nos. 1 and 2.)

It seems to me important to note that by the first article, chapter 2, of the harbor regulations, foreign vessels may be permitted to enter the ports of the islands, upon application to the government office, subject, however, to the observance of the harbor regulations, and to trial for violations thereof in the government office, and to fine in such case of not more than one hundred yen. to be exacted from the captain of the vessel. (See article 7, chapter II.) I beg leave, also, to call attention to chapter III of the customs regulations, article 12, in which it is provided that offenses against the rules shall be tried in the government office, and a fine of not more than five hundred yen may be exacted from the offender.

In my opinion these provisions, in so far as they subject citizens of the United States to trial and judgment in Japanese tribunals for offenses against or violations of these regulations, are in contravention of the sixth article of the treaty of 1858, and as such should not be permitted to be enforced.

Awaiting your instructions in the premises, I shall in the mean time call the attention of the foreign office to these provisions, and suggest the propriety of sending any offending American citizens for trial to our consuls in Japan.

I have, &c.,

JNO. A. BINGHAM,

[Inclosure 1 in No. 457.]

*Japanese minister (foreign affairs) to Mr. Bingham.*

FOREIGN OFFICE, TOKEL,

*The 17th day, 10th month, the 9th year of Meiji.*

SIR: I have the honor of informing your excellency that in view of the increasing immigration into the Ogasawara Shima, a group of islands part of our dependencies lying to the southward of the empire, and of which a practical examination was made by officers commissioned to that effect by my government last year, the eighth year Meiji, there will be established there a government office and officers sent there to supervise the affairs of the islands, conforming themselves to the regulations of which I have the honor to herewith forward to your excellency a copy of each set.

With respect and consideration,

TERASHIMA MUNENORI,

*His Imperial Japanese Majesty's Minister for Foreign Affairs.*

[Inclosure 2 in No. 457.]

OGASAWARA ISLANDS.

CHAPTER I.—*Island regulations.*

ARTICLE 1. All the residents in the island, both permanent and transient, shall report to the government office on the island, and observe the island regulations.

ART. 2. Births, deaths, marriages, migrations, and returns to the island shall all be reported to the government office.

ART. 3. Land shall not be appropriated without permission obtained from the government office; and when appropriated with such permission a title shall be given. When any one wishes to buy or sell such land he must report the transaction to the government office and request renewal of title.

ART. 4. Land newly cleared with the consent of the government office shall be given to the clearer, and a certificate of ownership shall be granted.

ART. 5. Land already cleared shall not be taxed for ten years from the present time, and land newly cleared, or to be cleared, shall not be taxed for ten years from the time when brought under cultivation. After the expiration of the given time the matter



of taxation will be decided according to the condition of the land. The title to land shall be forfeited if it is neglected (abandoned) for three years after being once cleared.

ART. 6. Proclamation will be made hereafter whenever additions are made to these island regulations.

#### CHAPTER II.—*Harbor regulations.*

ARTICLE 1. The captain of every native or foreign vessel, except men-of-war, shall, within twenty-four hours after casting anchor, report his country, name of his ship, his own name, tonnage of vessel, number of crew, name of port last sailed from, kind and amount of cargo, and the object of his voyage, to the government office and obtain permission to remain in harbor.

ART. 2. While a native or foreign vessel remains in harbor it must obey the regulations of the island and of the port, the customs regulations, and other regulations.

ART. 3. Harbor dues and ship dues will not, for the time, be exacted from foreign or native vessels.

ART. 4. Dead bodies of men or beasts, stones, or light cargo must not be cast overboard in the harbor.

ART. 5. If, when a foreign or native vessel arrives in port, there are persons on board who have the small-pox or other epidemic disease the usual quarantine flag must be hoisted, and, till permission is obtained from the government office, no one will be allowed to go to another ship or go out in a small boat or go ashore; and notice must given beforehand to the officer who goes on board on business, and measures taken to prevent the spread of the disease.

ART. 6. A ship which wishes to leave the port must give notice twelve hours beforehand to the government office and obtain permission to set sail.

ART. 7. When any article of these regulations is violated the offense shall be tried and estimated in the government office, and a fine of not more than one hundred yen nor less than five yen be exacted from the captain of the ship.

#### CHAPTER III.—*Customs regulations.*

ARTICLE 1. Whenever any one desires to export goods from this island, or import goods to it, or transfer goods to another vessel, he shall make request at the government office, and be inspected and treated according to the regulations at present observed in the custom-houses of the open ports of Japan (main-land).

ART. 2. Exports from and imports to this island shall be, for the present, duty free.

ART. 3. When the productions of this island are carried to Japan main-land in native or foreign vessels, they shall be duty free, but a permit to carry such goods must be obtained.

ART. 4. When the productions of this island are carried back to the island from Japan main-land, in native or foreign vessels, a permit to carry back such goods must be obtained in like manner.

ART. 5. When the productions of the main-land are carried to the island in native or foreign vessels, the regular export duty must be deposited in the custom-house of the open port of the main-land, and a receipt for the goods carried to and landed on the island obtained from the government office there located, and this receipt forwarded within six months to the custom-house of the open port from whence the goods were exported, whereupon the export duty deposited at first in the custom-house will be returned.

ART. 6. When the productions of the mainland are carried back from the island to the mainland in native or foreign vessels, the regular export duty must be deposited in the government office there located, and a receipt for the goods carried back to and landed at an open port of the mainland must be obtained from the custom-house there located and this receipt forwarded within six months to the government office on the island, whereupon the export duty deposited at first will be returned.

ART. 7. The productions of the mainland carried to the island shall be duty free; but when re-exported from the island to foreign countries the regular export duty shall be collected in the island.

ART. 8. The productions of foreign countries when imported to the island shall, for the present, be duty free; but when reshipped from the island to the mainland, the regular import duty shall be collected in the island.

ART. 9. When foreign articles, imported to an open port of the mainland, are carried to this island, the import duty already paid on the mainland shall not therefore be returned.

ART. 10. It is not allowed to import opium into the island. When it is secretly imported, or an attempt made to do so, the articles on hand shall be confiscated and a fine shall be exacted, according to the regulations in force in the open ports of the mainland.

ART. 11. The duties to be paid or deposited in the island shall be according to the tariff of imports and exports, for the time being, in force in the open ports of the mainland. When the invoiced value of goods is thought to be below the true value, the official shall fix the true price and increase the amount of duty to be paid. If the captain or owner dispute the price fixed, the goods shall be bought immediately by the government office.

ART. 12. Offenses against these rules shall be tried in the government office, and the gravity of the offense estimated, and a fine of not more than five hundred yen nor less than five yen be exacted from the offender.

ART. 13. Three months' notice will be given in case these rules are amended or duties exacted.

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No. 185.

*Mr. Fish to Mr. Bingham.*

No. 262.]

DEPARTMENT OF STATE,  
Washington, December 20, 1876.

SIR: I have to acknowledge the receipt of your dispatches Nos. 457 and 462, dated, respectively, 24th October and 9th November last, with inclosures, relating to the harbor and customs regulations for the Ogasawara (or Bonin) Islands, recently promulgated by the Japanese Government, certain provisions of which you believe to be at variance with the treaty of 1858 with Japan.

Article 7, chapter II, of the harbor regulations, and article 12, chapter III, of the customs regulations, which provide for the trial and punishment by Japanese tribunals of violations of these regulations, seem to be in conflict with the sixth article of the treaty of 1858, so far as they may be calculated to subject citizens of the United States to trial and condemnation by Japanese officers.

Your course in suggesting to the foreign office the propriety of sending offending Americans to our consuls in Japan for trial is approved.

The regulations seem calculated to extend commercial and trading facilities to our own as well as to the citizens of other powers, and may be the means of opening a valuable opportunity of employment of capital and of industry to our people. They are thus far to be regarded with favor; but we should jealously guard the right of trial and of punishment of our own citizens secured to them by the treaty.

It is hoped that you may induce the Japanese authorities to see the importance of opening the new trade contemplated, and, at the same time, that the proposed subjecting of our citizens to trial and condemnation by a purely local or Japanese tribunal will be in conflict with the treaty.

I am, &c.,

HAMILTON FISH.

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No. 186.

*Mr. Bingham to Mr. Fish.*

No. 484.]

LEGATION OF THE UNITED STATES,  
Tokei, Japan, January 6, 1877. (Received February 8.)

SIR: I have the honor to inclose, for the information of the Department, duplicate copies of the fifth report of His Imperial Japanese Majesty's postmaster-general, for the fiscal year ended June 30, 1876. By

this report it appears that the ordinary revenues of the postal department for the last fiscal year (exclusive of fines, &c.) were \$595,201.83, and the expenditures for the same year \$713,244.19. This shows an increase over the postal revenues for the year ending June 30, 1875, as reported in my No. 325, of \$146,674.41, with an increase of expenditure of \$118,655.36. The report also shows that there were letters, papers, &c., transmitted through the mails of Japan, in the last fiscal year, 30,162,615. The number of post-offices in the empire is 3,691. The number of letters, papers, &c., dispatched by foreign mails during the year was 182,874, and the number received 162,651. The deposits in the post-office savings-banks for the year amounted to \$33,825.75, and certificates issued numbered 17,794.

It is worthy of notice that this report (page 21) shows that this government has established a mail steamship company, and has turned over to the company thirty-one steamships, and granted the company a subsidy of \$250,000 per annum, and a loan of \$810,000. It is also to be noted that the government "in order to train and educate officers in the mercantile-marine service," grants \$15,000 per annum to the same company for the maintenance of a marine school.

I also remark by the report (page 22) that during the year 1875, the Japanese-built vessels totally wrecked were 315, and that of foreign-built ships under the Japanese flag there were only 8, and that the persons drowned on the same were 114, wounded 4, and missing 35.

I have, &c.,

JNO. A. BINGHAM.

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No. 187.

*Mr. Bingham to Mr. Fish.*

No. 494.]

LEGATION OF THE UNITED STATES,

*Токеи, Japan, January 16, 1877. (Received February 19.)*

SIR: There has recently been made by His Majesty the Emperor of Japan, an order for the reduction of the internal taxes and public expenditure. Inclosed herewith are translations as published in the Japan Weekly Mail, Yokohama, of the 13th instant, in duplicate, of the notifications issued by his excellency Sanjô, prime minister, in obedience to the Emperor's order, and also copies of the imperial decrees. (Inclosure 1.) The aggregate reduction of taxes thus ordered is estimated at \$8,000,000 per annum. To reduce the expenditures correspondingly, some sixteen thousand government employés have been dismissed, and the salaries of the officials retained have been greatly reduced. This action of His Majesty is hailed by the people as evidence of his regard for their welfare, and has called forth, in the Japanese journals, much approving comment. I inclose herewith a translation from the Nichi-Nichi Shimbun of one of the articles on the subject. (Inclosure 2.)

I have, &c.,

JNO. A. BINGHAM.

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[Inclosure 1 in No. 494.]

[Extract from the Japan Weekly Mail, January 13, 1877.]

*Notification No. 1.*

It is hereby made known that in accordance with the decree of His Imperial Majesty the Mikado, the land-tax throughout the country from and after this date is reduced to 2½ per cent. on the value of the land.

SANJÔ SANEYOSHI,  
*Prime Minister.*

TOKIÔ, January 4, 1877.

## IMPERIAL DECREE.

Almost immediately after the restoration, duties of a novel nature, and many needful improvements, were undertaken by the government, both at home and abroad, which, necessarily, greatly increased the national expenditure. The burden of this fell upon the people, and was hard to be borne, for which reason we ordered that the mode of taxation should be remodeled and settled at 3 per cent. on the value of the land, thinking thus to afford relief to our people. But having recently visited various parts of our dominion, we have carefully observed the agricultural population, and sympathizing with their condition, have determined to still further reduce the land-tax to 2½ per cent. on the value of the land. We therefore order all officials to act in accordance with our will, and to be as economical as possible in the public expenditure.

JANUARY 4, 1877.

*Notification No. 2.*

His Imperial Majesty the Mikado having decreed that the land-tax should be reduced, and that as much economy as possible should be observed in the expenditure, it is hereby declared that the tax for local purposes to be levied upon the people, as made known by notification No. 272, issued in July, 1873, must not exceed one-fifth of the amount of the land-tax.

SANJÔ SANEYOSHI,  
*Prime Minister.*

TOKIÔ, *January 4, 1877.*

[Inclosure 2 in No. 494.]

[Translation of extract from the Nichi-Nichi Shimbun, January 12, 1877.]

Some one has well said that in order to regulate expenses superfluous officers should be discharged, and to do this, needless business should be stopped; and that without stopping needless business the required regulation or adjustment of outlay cannot be made. This saying is applicable to a case in hand. His Majesty the Emperor, solicitous for the welfare of his subjects, has, as the first governmental act of the year, by his proclamation, reduced the direct taxes one-sixth, and has directed all the officials to carry out his wishes by reducing needless expenses everywhere. The officials have all obediently accepted the mandate, and are now about to address themselves to the work of retrenchment; and we of the people regard the royal favor with profound feelings of gratitude, and look around to see where the work of retrenchment will begin.

We have heard it said that by this act of the Emperor the amount paid into the finance department yearly will be reduced 8,000,000 yen (\$8,000,000). When this reduction is made the amount paid out yearly by the finance department must be reduced correspondingly to make the outlay and income equal. But how to make the required reduction in outlay is a most difficult question, which the officers of that department must set themselves to solve. Doubtlessly the government long ago contemplated making this reduction in expenses, and for years past has been conducting its affairs as economically as possible.

It is not for us to understand the purposes of the government thus early in making this reduction, yet a variety of opinions are expressed by those who discuss the matter publicly as to the manner in which it should be made. Some say the number of officials should be reduced; others, that their salary should be reduced; others that the business of the departments and sections should be united; others that the fixed appropriation of each department should be reduced, by which means, it is said, the reduction of 8,000,000 yen could be made without difficulty. True, we know the reduction could, indeed, be made in the manner indicated, but we do not know whether or not the object of making the reduction would be thereby attained. The reduction of expenses without regard to whether the business of the government is carried on or not, is not economy, but niggardliness, and to stop the business of the government through niggardliness is certainly not the object of the reduction.

In regulating the expenses of the government the ordinary economist easily falls into the mistake of the old Taicoon's government by undertaking first of all to reduce expenses by dismissing men from service. Then, whenever an order was issued to economize, the officers dismissed were seen to knit their brows and ask one another in distress, "Why does our lord so love to economize?" "Why does he bring us to such a condition that parents and children, husbands and wives, must be separated?" Do those who advocate this kind of reduction now propose to follow this bad precedent? If the officials are too numerous now, as they were in the time of the Taicoon, this is the fault of those who at first created superfluous offices and filled them, and not the fault of those who now fill those offices.

If for the purpose of reducing the number any one proposes from this time to give the work to one man which has hitherto been performed by two men, this will be

either to make one man do two men's work hereafter, or to admit that hitherto two men did only one man's work; and whose fault is this?

But even admitting that the number of officials could be reduced by dismissal without difficulty, to do this without a fixed rule to regulate their multiplication hereafter would be like driving away flies from food, which would return again quickly in equal numbers. The number of officials when thus diminished, would be restored to what it was at first, before the expiration of a year, or else some compensating change would be made in their rank and pay. Is not this what we have already actually seen? Hence, though it seems reasonable that a reduction should be made by reducing the number of officials and appropriating their pay, when this is done without regard to the business that must be carried on, the object of the reduction will not be attained.

To unite the bureaus is regarded by some as the best thing to do. But only a slight saving in expenses and in the number of officers employed would be effected by uniting them. If an excessive reduction were made, time and experience would show that much necessary business must remain untransacted. The same reasoning holds good with respect to the reduction of the fixed allowance of the departments. If the reduction is made without regard to the business to be done, doubtless a reduction of not a tenth only but of a half or two-thirds even could be made; but it is not to be expected that as much business can be done this year with 1,000,000 yen as was done last year with 2,000,000. It is necessary to make a distinction as to the importance of the business to be transacted; and whoever undertakes, without doing this, to make the reduction by uniting the bureaus or by diminishing the allowance of the departments, will not attain the object for which the reduction is made.

The proper way in making the required reduction would be to distinguish between the business which is necessary and that which is not urgent, and not confound the two. The allowance of the army is fixed at 7,250,000 yen, because this amount is actually needed to meet the expenses of the military operations. When a reduction of 1,250,000 yen is made in this, so that the whole allowance is 6,000,000 yen a year, how will the necessary business be carried on? But the state of things is different when the right distinction is made between necessary business and that which is not urgent. Let the amount of the allowance be considered afterward. First of all, inquire what military service is necessary and what not necessary. The service of infantry and artillery is absolutely indispensable.

Works requiring five years for completion might be prolonged for ten years, and thus a half of the yearly expenses be saved. The erection of fortifications for the protection of the coast requiring ten years for their completion might be stopped entirely, and the coast be protected by men-of-war. This would give three kinds of service: first, necessary service, admitting of no reduction being made; second, business which might be prolonged; third, that which, not being urgent, might be stopped for the present. When this distinction is rightly made, the allowances will diminish of themselves. Bureaus and offices will be united naturally, and the number of officials will be reduced naturally in consequence; and, in fine, the real object of the reduction will be attained; and we hope soon to see the government attain this end without interrupting any business necessary to be carried on.

The department of religion and the Reishic'ho, or prefecture of police, have been abolished, and their business will be transacted in the Naimusho (department of interior).

Departments.	Original amount.	Reduced amount.
	<i>Yen.</i>	<i>Yen.</i>
Sei-In .....	494,000	300,000
Genro-In .....	207,000	150,000
Gaimusho .....	185,600	180,000
Diplomatic service, &c .....	548,300	500,000
Naimusho .....	3,699,812	2,520,000
Okurasho .....	1,798,600	1,300,000
Army .....	7,250,000	6,000,000
Navy .....	3,549,700	3,300,000
Education .....	1,704,800	1,200,000
Public works .....	4,900,000	3,000,000
Imperial house .....	316,000	280,000
Land-tax bureau .....	470,000	150,000
Police .....	1,195,000	1,000,000
Kaitakushi .....	1,905,616	1,525,660

The total reduction is 7,060,312 yen. The salary of officers has been diminished accordingly. Those of the first and second class retain their present salary, and pay one-

fifth as income-tax. Those of the third class, whose salary is 280 yen a month, pay one-tenth. Those of the fourth, fifth, sixth, and seventh classes, whose monthly salary is 200, 150, 100, and 80 yen, respectively, pay one-twentieth income-tax. The officials of all the departments, from the fourth to the seventh rank, have been made first and second secretaries, and the hanninkan have all been made *tohukan*, of which order the highest receives 60 yen a month, the second 50, and the other inferior orders in proportion. Besides the above, it is said that ten orders of subordinate officials, without rank, have been retained.

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No. 188.

*Mr. Bingham to Mr. Fish.*

No. 495.]

LEGATION OF THE UNITED STATES,  
*Токеи, Japan, January 18, 1877. (Received February 19.)*

SIR: Referring to my No. 472, of date the 11th ultimo, in relation to the promised protection of American citizens and their rights on the Bonin Islands, I regret to say that it appears by a complaint recently made by a citizen of the United States to Mr. Van Buren, that his rights of property, and also those of other citizens of the United States in those islands, have been violated by Japanese officials. I have addressed a communication to his excellency Mr. Terashima on the subject, in which I request him to protect our citizens in those islands in their rights of person and property. I have the honor to inclose herewith a copy of the dispatch of the consul-general transmitting the complaint of Mr. Nye, a copy of which is also inclosed, together with a copy of my dispatch to Mr. Terashima above referred to. (Inclosures 1, 2, and 3.)

I have, &c.,

JNO. A. BINGHAM.

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[Inclosure 1 in No. 495.]

*Mr. Van Buren to Mr. Bingham.*

No. 2369.]

UNITED STATES CONSULATE-GENERAL,  
*Kanagawa (Yokohama), Japan, January 16, 1877.*

SIR: Herewith I have the honor to transmit to you a statement prepared by Capt. Crocker Nye, now in command of the *Tamamura-Maru*, of the *Mitsu-Bishi M. S. S. Company*, concerning certain property owned by himself and other American citizens at the Bonin Islands, and the alleged action taken in connection therewith by the Japanese authorities in December last, for all of which I beg your careful consideration.

All the parties referred to as owners of the property are Americans.

Captain Pease, as you are aware, is dead.

I am, &c.,

THOS. B. VAN BUREN.

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[Inclosure 2 in No. 495.]

*Mr. Nye to Mr. Bingham.*

SIR: I wish to call your attention to some proceedings on the part of the Japanese Government at Port Lloyd, Bonin Islands. I am informed by good authority that the Japanese who went down to the Bonin Islands, per *Taikei-Maru*, in December, 1876, landed and took possession of a place called Akei. This land was purchased by Benjamin Pease, from a Frenchman named Louis Lascelles, more than five years ago. The deed was made out in his wife's name, and the same is recorded in the United States consulate, Yokohama. In the summer of 1873, I purchased the schooner *Tori*, for \$3,200 (Thomas S. Stevens owning one-half with me), and we formed a partnership, or agreement, with Benjamin Pease and Metiah Jordan for the purpose of raising stock at Akei, we putting the price of the vessel against the land, and agreed that each should hold one-quarter of the vessel and one-quarter of the land, and whatever profit

or loss should be shared in the same way. The same year we brought seventeen head of cattle from Ascension, in the schooner *Tori*, and placed them on *Akei*, and built a stock-yard to keep them in at night. There was a meeting in August or September, 1874, to settle boundary of lands and other disputes, which were all settled, except one, by general consent; the boundary of *Akei* on the north was called *Ugly Gulch*, and the southwest side of a large hill on which an outlook had been placed to watch the cattle. This gave *Akei* a frontage on the water of over half a mile and extending back half-way over the island, widening as it extended back. The place has always been in charge of one of the interested parties until *Susan Pease* (widow of Captain Pease) was told to leave by the Japanese, and also requested the cattle to be taken away, which was to be done when the *Taikei-Marû* left, as soon as weather permitted, as the cattle have to be made to swim around the headland and placed on other people's premises, and kept at our expense. I am also informed that the houses have been taken down and the banana-trees, which had cost a great deal of labor to plant and bring into bearing condition, some of the plants having been brought from Ascension. We had also planted about two hundred cocoa-nut trees. All the land around the harbor of *Port Lloyd* is held and improved by some one, and the Japanese could not have a landing or a place to build unless they took land belonging to those who held and improved it, and as they have taken *Akei* I pray that we may be compensated for our loss and for the expense we have incurred. We have always had to pay duty on all shell and oil we have brought from the *Bonin* Islands, and to pay export duty on all lumber we took down for building purposes. I have some of the receipts now. I have a power of attorney from *Susan Pease* to act for her. *Thomas S. Stevens*, *Metiah Jordan*, and myself are in the employ of the *M. B. S. S. Company*.

Yours, &c.,

CROCKER NYE.

[Inclosure 3 in No. 495.]

*Mr. Bingham to his excellency Terashima Munenori.*

No. 455.]

LEGATION OF THE UNITED STATES,  
*Tokai, January 18, 1877.*

SIR: I am in receipt of a communication from *Thomas B. Van Buren, esq.*, the consul-general of the United States at *Kanagawa*, wherein he informs me of a complaint made to him by a citizen of the United States named *Crocker Nye*, who claims that certain property belonging to him and other citizens of the United States, and held by them in the *Ogasawara (Bonin) Islands*, has been wrongfully taken and some of it destroyed by Japanese officials. I have the honor to inclose herewith for your excellency's information a copy of *Mr. Nye's* statement and complaint. (*See inclosure 2.*)

Referring to your excellency's dispatch to me of date the 7th of December last I observe that your excellency was pleased to say therein that foreigners who have owned and improved lands in the islands for several years shall be secured in their property, and that no inhabitant of the islands will be molested in his rights.

I trust that your excellency will direct that the citizens of the United States who have been deprived of their property as stated may have the same restored to them and that the spoliation of their lands shall cease.

I have, &c.,

JNO. A. BINGHAM.

No. 189.

*Mr. Bingham to Mr. Fish.*

No. 500.]

LEGATION OF THE UNITED STATES,  
*Tokai, Japan, January 30, 1877. (Received March 9.)*

SIR: Herewith I have the honor to inclose for your information duplicate copies of the financial statement and estimates of the Government of Japan, from the 1st of July, 1876, to the 1st of July, 1877, as published in the *Tokiô Times* of the 27th instant, by order of his excellency *Sanjô Saneyoshi*, His Imperial Japanese Majesty's prime minister.

It will be observed by reference to the third table of estimated revenues for the current fiscal year that the estimated revenue from import and export duties is only \$1,762,554, and that the revenue from internal

taxation is estimated for the same year at \$61,000,000 in round numbers, of which \$46,556,743, is levied and collected by a land-tax upon the people. It is proper that I should say that foreigners engaged in the various pursuits of trade in Japan pay no taxes upon their enormous gains or incomes, by virtue as they claim of the convention of 1866. You will observe that the estimated expenditure of the current fiscal year is \$62,993,847, or within \$2,000 of the estimated receipts.

When I consider that during all our history the ordinary expenditures of our own National Government have been collected from customs duties, to the great relief and advantage of our people, and that now, with all the extraordinary expenditures upon us resultant from the late rebellion, full one-half of our enormous revenue is derived from imposts, I am confirmed in the opinion heretofore communicated to the Department, that this government and its people should be released from the oppressive conditions of the convention of 1866, which deprives them of the privilege claimed by ourselves and by every other western power of collecting reasonable revenues from foreign imports.

I have, &c.,

JNO. A. BINGHAM.

[Inclosure.]

[From the Tokiô Times, January 27, 1877.]

THE FINANCIAL STATEMENT AND ESTIMATES.

Notification No. 12.

To the In, Sho, Shi, Fu, Ken :

It is hereby notified that the following tables of the revenues and expenditures for the year between July of the 9th and June of the 10th year of Meiji, inclusive, have been presented by Okuma Shigenobu, minister of the finance department.

SANJÔ SANEYOSHI,  
*Daijo Daijin.*

20th January, 10th year of Meiji.

According to annual custom, Okuma Shigenobu now presents the estimates for the year from July of the 9th to June of the 10th year of Meiji. At the present time the working of the alteration of the land-tax reduces, more or less, the year's revenues, while, on the other hand, the expenditures on the whole are much increased, some few items, only, showing a diminution. Indeed, in comparison with past years, the expenditures present a considerable augmentation, owing to large outlays for many hundred different purposes necessitated by the exigencies of the times. Our home productions are not yet sufficiently rich to meet these expenses, nor is trade in a prosperous condition. So it is impossible to levy new duties to provide for them. And when it is found that the revenues, which are necessarily limited, do not suffice to meet the expenditures, the difficulty must be solved by equalizing them in some way. To this end I have prepared comparative tables showing the increase and decrease, as the case may be, of the annual admitted expenses of every public office, and the increase or diminution, also as the case may be, of the revenues of the current and the last financial years. This has been done in order to show clearly the condition of the difference between our annual revenues and expenditures. I forward this statement with the accompanying tables for the purposes of public convenience; and I respectfully express the hope that you will give the subject your serious consideration.

OKUMA SHIGENOBU,  
*Minister of the Finance Department.*

To SANJÔ SANEYOSHI,  
*Prime Minister.*

INTRODUCTION.

This budget for the 9th year of Meiji is compiled on information collated from minutely detailed accounts furnished by the various government offices. Before proceeding to the budget itself, I will briefly consider it in outline. The method formerly followed in keeping the accounts of this department has lately undergone reform, and the system of foreign bookkeeping has been introduced, so that accurate records of the national revenues and expenditures may be preserved. In pursuance of this re-



form, the accounts of the various taxes are separately kept in order to facilitate the transaction of business; and the entire estimates have been framed upon the new model.

The whole system of taxation throughout the empire has been thoroughly altered this year, and the holdings of land considerably modified. Hence, to what extent the land-tax is increased or diminished, is not yet apparent. But the estimates on this subject have been calculated on the information furnished to the government from every Fu and Ken.

The taxes to be paid by druggists only coming into operation this year, the revenue to be derived therefrom has been estimated very roughly.

The expenses of maintaining the imperial palace and providing pensions for members of the imperial family, have hitherto been supplied out of the sums set apart for the imperial household. But from this year forth they will be separately allowed for. Comparison of the expenditures of all departments for the current, with those of the previous, year, will easily show how the increase or decrease apparent may be accounted for. Thus, it is evident that the business of the home department (Naimusho) has been greatly extended; the number of people in the Rikugunsho, (war office), the vessels of war and the sailors at the disposal of the Kaigunsho (navy department) much increased, while the mines of the Kobusho, the stamp office of this department, the provincial Saibanshos, and the land-tax office have all required extensive additions to their staffs. Further, the police, public works, and the necessity of making new and repairing old dikes have involved much increased outlay.

The cost of construction of the new imperial palace is estimated at about one million yen. The work will be commenced this year and finished within five years. The amount required this year for this special purpose is shown in its proper place in the table of expenditures.

An amount provided for contingencies, some other items, and especially one providing for loans to the people will be found in the table. The reason of the reduction in the amount paid on the debt owing to the country is, that pensions returned, and moneys to defray domestic debts owing to the government, are funded. An increased sum has been paid toward the reduction of the foreign debt of the country. I now hasten to submit the following estimates showing the increase and decrease in the several items of the annual revenues and expenditures.

*Comparative tables of the revenues and expenditures for the eighth and ninth years of Meiji, showing the increase or decrease in the several items.*

TABLE I.—Revenues.

Source.	Ninth year.	Eighth year.	Difference.	
			Increase.	Decrease.
	Yen.	Yen.	Yen.	Yen.
Customs .....	1,762,554	1,744,837	17,717	.....
Land-tax .....	46,556,743	51,505,967	.....	4,949,224
Mining-tax .....	11,055	10,464	591	.....
Tax on official incomes .....	93,575	108,285	.....	14,710
Tax on hereditary and other pensions .....	2,198,914	2,267,810	.....	68,896
Tax on productions of the northern provinces .....	370,592	437,485	.....	66,893
Taxes collected in the Riu Kiu Han .....	34,925	50,744	.....	15,819
Tax on <i>sake</i> .....	2,373,859	1,613,083	760,776	.....
Tax on tobacco .....	539,948	100,000	439,948	.....
Stamp-tax on legal documents .....	531,881	534,917	.....	3,036
Postage-stamps .....	652,884	570,000	82,884	.....
Other stamp-taxes .....	523,583	571,418	.....	47,830
Miscellaneous .....	804,366	482,905	321,461	.....
Income derived from mines .....	1,212,825	548,314	664,511	.....
Income derived from railways .....	692,967	691,019	1,948	.....
Income derived from telegraphs .....	163,858	152,143	11,715	.....
Income derived from various manufactures .....	385,710	450,277	.....	64,567
Income derived from mint .....	770,800	675,240	95,560	.....
Sales of government property .....	692,772	968,956	.....	276,184
Rent of government lands and buildings .....	139,713	145,668	.....	5,955

Comparative tables of the revenues and expenditures, &c.—Continued.

Source.	Ninth year.	Eighth year.	Difference.	
			Increase.	Decrease.
	Yen.	Yen.	Yen.	Yen.
Income derived from forests.....	129,769	367,270	.....	237,501
Miscellaneous revenues not derived from taxes.....	1,026,849	1,553,736	.....	526,887
Repayment of debts due to government.....	1,325,496	3,037,728	.....	1,712,232
Total estimated revenues ..	62,995,643	68,588,266	.....	5,592,623

TABLE II.—Expenditures.

OBJECT.				
Reduction of national debt.....	5,551,447	4,345,655	1,205,792	.....
Imperial expenditure and payments to the Emperor's relations.....	827,500	727,500	100,000	.....
Pensions for meritorious services, shrines, and temples.....	17,705,377	17,805,366	.....	99,989
Sei In.....	494,000	400,000	94,000	.....
Genro In.....	207,000	200,000	7,000	.....
Kuaigi In.....	30,000	30,000	.....	.....
Foreign department.....	185,600	170,000	15,600	.....
Home department.....	3,699,812	2,300,000	1,399,812	.....
Finance department.....	1,798,600	1,604,600	194,000	.....
War department.....	7,250,000	6,950,000	300,000	.....
Navy department.....	3,549,700	2,700,000	849,700	.....
Educational department.....	1,704,800	1,700,000	4,800	.....
Department of religion.....	73,000	70,000	3,000	.....
Public works department.....	4,900,000	4,750,000	150,000	.....
Judiciary department.....	1,420,500	1,250,000	170,500	.....
Imperial household.....	316,000	222,500	93,500	.....
Colonization department.....	1,905,660	1,799,716	105,944	.....
Land-tax bureau.....	471,000	48,000	423,000	.....
The three Fu.....	552,520	553,608	.....	101,088
The Ken.....	3,709,980	3,746,392	.....	36,412
Police department.....	1,195,000	1,000,000	195,000	.....
Local police.....	750,000	600,000	150,000	.....
Shrines.....	220,000	220,000	.....	.....
Repairs and constructions in Fu and Ken.....	1,639,000	1,370,000	269,000	.....
Legations and consulates in foreign countries.....	548,300	515,000	33,300	.....
Miscellaneous expenditures.....	559,051	6,920,169	.....	6,361,118
Loans by the government.....	500,000	1,500,000	.....	1,000,000
Reserved fund for contingencies..	1,330,000	5,000,000	.....	3,670,000
Total estimated expenses...	62,993,847	68,498,506	.....	5,504,659

In the foregoing table the revenues and expenditures for the eighth and ninth years of Meiji are compared and the amounts are arrived at by careful calculation. In some particulars the ninth year shows an increase over the preceding year, and in others the reverse is the case. In both revenues and expenditures we have a perceptible decrease. With reference to the amount lent to the people (described in the table as loans by the government) I have given an explanation in my introduction, and the large decrease in other items of expenditure is also explained, as is the very large increase in the expenditures for the local governments. As already said, in this table the eighth and ninth years of Meiji are compared. The reason why the seventh year is not included in the comparison is, that its accounts have not yet been accurately compiled. In future years I will show the estimates for the then current year in comparison with the revenues and expenditures of former years, indicating the increase and decrease in the various items.

TABLE III.—*Estimated revenues of the year, from the 7th month of the 9th, to the 6th month of the 10th, year of Meiji.*

I. Duties of the first class.....		yen 1,762,554
Customs imports and export dues .....	1,717,847	
Yokohama .....	yen 1,236,607	
Kobe .....	312,232	
Osaka .....	34,972	
Nagasaki .....	115,270	
Niigata .....	466	
Hakodate .....	18,300	
Miscellaneous customs revenues .....	44,707	
Yokohama .....	22,869	
Kobe .....	7,853	
Osaka .....	2,503	
Nagasaki .....	9,750	
Niigata .....	538	
Hakodate .....	1,189	
II. Duties of the second class.....		*49,265,804
Land-tax .....	46,556,743	
Mining-tax .....	11,055	
Tax on official salaries .....	93,575	
Tax on incomes of nobles and gentry and pensions ..	2,198,914	
Tax on Hokkaido products .....	37,592	
Income derived from Riu Kiu.....	34,925	
III. Duties of the third class .....		5 426,526
Duty on <i>sake</i> .....	2,373,859	
Duty on tobacco .....	539,948	
Stamp duty .....	531,881	
Postage-stamps .....	652,884	
Tax on ruled paper for petitions, &c .....	302,474	
Lawyers' license-fees .....	79,500	
Stamps on silk-worm-egg cards, &c .....	118,356	
Stamps for raw and filature silk, &c.....	21,492	
Filature-licenses .....	1,766	
Ship-licenses .....	125,641	
Cart-licenses .....	200,000	
Trading-company licenses .....	200,000	
Shooting-licenses.....	47,573	
Horse and cattle licenses .....	62,024	
Weights and measures .....	8,174	
Copyright-fees .....	4,026	
Passports .....	3,928	
Druggists' licenses .....	150,000	
IV. Duties of the fourth class :		
Revenue from public works .....		2,455,360
Mining department .....	1,212,825	
Railways .....	692,967	
Telegraphs .....	163,858	
Iron-works .....	200,200	
Filatures .....	38,000	
Printing .....	20,510	
Dock-yards .....	127,000	
V. Mint.....		770,800
VI. Revenue derived from government property .....		962,254
Sales of government property .....	692,772	
Rents of government lands and houses .....	139,713	
Income derived from forests.....	129,769	
VII. Miscellaneous revenues.....		1,026,849
VIII. Repayment of moneys due to the government .....		1,325,496
Sundry debts .....	791,910	
Refund of loans made to Imperial Princes Kuwazoku and Shizoku .....	425,042	
Refund of loans to Daimios .....	108,544	
Total .....		62,995,643

\* There appears to be an error in the addition of this total. The several details amount, if correctly given, to yen 48,922,804.

TABLE IV.—*Estimated expenditures.*

I. Reduction of national debt.....	yen 5, 551, 447	
Domestic debt.....	yen 3, 736, 819	
Capital.....	1, 833, 152	
Interest.....	1, 903, 667	
Foreign debt.....	1, 814, 628	
Capital.....	756, 180	
Interest.....	1, 049, 420	
Commission.....	9, 028	
II. Income of the Mikado and his family.....		827, 500
III. Pensions to Kuwa-shizoku, shrines and temples.....		17, 705, 377
Pensions to Kuwa-shizoku.....	17, 517, 453	
Shrines and temples.....	187, 924	
IV. Expenditures of In, Sho, Shi, and Kioku.....		28, 005, 672
Sei In.....	494, 000	
Genro In.....	207, 000	
Kuaigi In.....	30, 000	
Foreign department.....	185, 600	
Home department.....	3, 699, 812	
Finance department.....	1, 798, 600	
War department.....	7, 250, 000	
Navy department.....	3, 549, 700	
Educational department.....	1, 704, 800	
Religious department.....	73, 000	
Public works department.....	4, 900, 000	
Judicial department.....	1, 420, 500	
Imperial household department.....	316, 000	
Colonization department.....	1, 905, 660	
Land-office.....	471, 000	
V. Fu and Ken.....		4, 162, 500
The three Fu.....	452, 520	
The thirty-five Ken.....	3, 709, 980	
VI. Prefecture of police.....		1, 945, 000
Police department.....	1, 195, 000	
Two Fu and thirty-five Ken.....	750, 000	
VII. Shrines.....		220, 000
Shinto priests.....	15, 000	
Government and country shrines.....	205, 000	
VIII. Erecting and repairing dikes in Fu and Ken.....		1, 639, 000
Erecting.....	239, 000	
Repairs.....	1, 400, 000	
IX. Legations and consulates in foreign countries.....		548, 300
X. Miscellaneous expenditures.....		1, 059, 051
Annual proportion of total sum for building imperial palace.....	100, 000	
Loans for relief and promotion of industry.....	500, 000	
Sundries.....	459, 051	
XI. Sum reserved for contingencies.....		1, 330, 000
Total.....		62, 993, 847

Showing an excess of yen 1,796 of revenues over expenditures.

## NATIONAL LIABILITIES.

*Home debt.*

Bearing interest.....	yen 30, 682, 150. 00. 00
At 4 per cent. per annum.....	yen 11, 801, 750
At 6 per cent. per annum.....	2, 238, 550
At 8 per cent. per annum.....	16, 641, 850
Without interest.....	10, 032, 720. 00. 00
Paper-money in circulation.....	94, 054, 731. 06. 50
Total.....	134, 769, 601. 06. 50

Showing an increase of yen 8,347,162.95.1 over the corresponding liabilities for the 8th year of Meiji.

The sum of yen 637,141.78 has been repaid during the current financial year, being yen 406,013.80.2 of new and yen 231,127.97.8 of old indebtedness. Paper-money to the extent of yen 749,088.17 has been withdrawn from circulation.

*Foreign debt.*

Total .....	yen 14, 155, 123. 20. 00
Bearing interest at 9 per cent. per annum.....	yen 2, 928, 000. 00
At 7 per cent. per annum .....	11, 227, 123. 20
<hr/>	
Total domestic and foreign debts.....	148, 924, 724. 26. 50
<hr/>	
Reserve fund for contingencies.....	28, 341, 416. 00. 00
Out of this latter sum, yen 72,775 is reserved for contingencies in government offices and yen 9,382,485 for possible loans.	

## No. 190.

*Mr. Bingham to Mr. Fish.*

No. 502.]

LEGATION OF THE UNITED STATES,  
*Tokai, Japan, February 9, 1877. (Received March 9.)*

SIR: On the 1st instant, upon the invitation of His Majesty the Emperor, I proceeded with my colleagues to Kiôto to be present at the opening of the recently constructed railway between that ancient capital of Japan and Kobe, a distance of about fifty-five miles. On the 5th instant His Majesty, attended by the officials of his court, visited the railway and passed over it, stopping at the stations in Kobe, Osaca, and Kiôto, and in the presence of the governors of each city, of the officials of the imperial court, of the foreign representatives accredited to Japan, and of immense numbers of the people of Japan, declared the railway open for travel hereafter and for the transportation of merchandise. On this occasion the foreign representatives, through Sir Harry S. Parkes, presented a congratulatory address to the Emperor, a copy of which, with the Emperor's reply, I shall forward as soon as I shall have received the same.

It was very apparent that the people of Japan retain much of the old-time reverence for His Majesty the Tenno, as their rightful sovereign.

I have only to add that I was absent on this duty but eight days, during which time I was within telegraphic communication with the legation, which was open from day to day, Mr. Stevens remaining in Tokai.

I have, &amp;c.,

JNO. A. BINGHAM.

## No. 191.

*Mr. Fish to Mr. Bingham.*

No. 276.]

DEPARTMENT OF STATE,  
*Washington, February 23, 1877.*

SIR: I have to acknowledge the receipt of your dispatch, No. 495, dated 18th January last. It relates to the violation by Japanese officials of the property-rights of certain citizens of the United States who are residing in the Bonin Islands. It would seem from the statement of Mr. Crocker Nye, a copy of which is transmitted with your dispatch, that this is a case calling for prompt reparation by the government of the acts of the Japanese officials on the islands. Your note to Mr. Terashima is approved, and you will continue to give careful attention to the case.

am, &amp;c.,

HAMILTON FISH:

No. 192.

*Mr. Bingham to Mr. Fish.*

No. 507.]

LEGATION OF THE UNITED STATES,  
*Токеи, Japan, February 23, 1877. (Received March 26.)*

SIR: Referring to my No. 503, of date the 9th instant, in relation to the reported insurrection in the province of Kagoshima (Satsuma) in the south of this empire, I have the honor to acquaint you that on the 19th instant His Excellency Iwakura Tomomi, His Imperial Japanese Majesty's acting prime minister, issued a proclamation to the effect that certain insurgents of Kagoshima Ken had lawlessly invaded Kumamoto Ken by arms, wherefore an imperial order had issued to Prince Arisagowa to suppress the insurgents by His Majesty's forces. By the same proclamation the several Fu, Ken, and She are ordered to take measures to prevent the escape of the insurgents into the various provinces of the empire.

Should the insurrection become formidable you will doubtless be advised thereof by telegrams through the public press, and in the event, I beg leave to suggest that I be instructed to make proclamation to all citizens of the United States of America within this empire to abstain, as required by our laws, from enlisting "in the service of one portion of the people of Japan against any other portion of the people thereof." (Revised Statutes, p. 793, sec. 4090.)

I have the honor to inclose a translation of Mr. Iwakura's proclamation.

I have, &amp;c.,

JNO. A. BINGHAM.

[Inclosure.]

[Extract from the Nichi Nichi Shimbun, February 20, 1877.]

The rebels of Kagoshima Ken having shown hostile disposition by lawlessly entering Kumamoto with arms, an imperial order for their suppression has been issued, of which the following notice was given yesterday:

*To the officers of the various departments, and to the city government of Токеи:*

The rebels of Kagoshima Ken having lawlessly entered Kumamoto Ken with arms, thereby showing their active hostility, an imperial order has been issued for their suppression by forces under the command of Prince Arisagawa. Inasmuch as the rebels may escape to the various provinces, proclamation is made to the Fu, Ken, and She to take the necessary precautions.

IWAKURA TOMOMI,  
*U-Daijin.*

9th of 2d month, 10 Meiji. (February 19, 1877.)

No. 193.

*Mr. Bingham to Mr. Fish.*

No. 514.]

LEGATION OF THE UNITED STATES,  
*Токеи, Japan, February 27, 1877. (Received March 26.)*

SIR: Referring to my No. 502, of date the 9th instant, in relation to the opening of the imperial railway between Kiōto (Saikio) and Kobe (Hiogo), I now have the honor to inclose a copy of the address which the foreign representatives presented on that occasion to His Majesty the Emperor of Japan, and also a copy of His Majesty's reply thereto.

I have, &amp;c.,

JNO. A. BINGHAM.

[Inclosure 1 in No. 514.]

*Address of foreign representatives to His Majesty, the Tenno, February 5, 1877, as delivered by Sir Harry S. Parkes, doyen.*

On the part of the diplomatic corps I beg to express to Your Majesty the sincere pleasure which it affords us to participate in the interesting ceremony of the opening of a new line of railway to the ancient capital of Your Majesty's realm.

The invitation to be present on this occasion, with which Your Majesty has graciously favored us, furnishes an unmistakable sign of the friendship which marks the relations of Your Majesty with the sovereigns and presidents whom we have the honor to represent. But this is not the only meaning which that invitation conveys. It shows that Your Majesty is sensible that a great industrial enterprise which so nearly affects the welfare of so many of Your Majesty's subjects affects also the interests of foreigners who are resident in this land, and who will always gladly join with Your Majesty's people in promoting those works of industry and peace which contribute to the brotherhood of nations and to their mutual profit and prosperity.

In the case of the useful work now inaugurated by Your Majesty, both native and foreign interests are so nearly allied that it is evident our wishes for its success can scarcely be second to those which are entertained by Your Majesty, your government, and your people. Great difficulties attend the earlier construction of railway works in any country, and the way in which these difficulties have been overcome in the present instance reflects high credit upon all concerned. But we may be permitted to add that the event of to-day marks an epoch in the history of Japan, for it furnishes a durable record of those new relations which she has established with the world; it is a proof of her desire to advance as other nations have advanced, and also of the intelligence and practical capacity of her people; and it shows how closely Your Majesty identifies yourself with the interests of your people and how willingly Your Majesty and your government labor to promote the material progress of your nation.

These, may it please Your Majesty, are the sentiments which animate my colleagues and myself in uniting with your loyal subjects in offering our congratulations on this occasion. Most cordially do we join with Your Majesty in wishing success to the Kiôto, Osaka and Hiogo Railway, and to all the efforts which may be made by Your Majesty's government to provide your country with such means of communication and transport by rail or road as may be best suited to its advancing requirements.

[Inclosure 2 in No. 514.]

*Reply of His Majesty the Tenno to the address of the foreign representatives.*

To the foregoing address of the foreign representatives His Majesty the Emperor replied, that he thanked the representatives of the treaty powers for their presence on the occasion of the opening of the railway between Kiôto and Hiogo, and for the sentiments which they had been pleased to express in their address.

No. 194.

*Mr. Bingham to Mr. Fish.*

No. 517.]

LEGATION OF THE UNITED STATES,  
*Токей, Japan, March 6, 1877. (Received April 7.)*

SIR: Referring to my No. 515, of date the 26th ultimo, in which mention is made of the deposition from office of General Saigo, late marshal of the empire, by reason of his alleged complicity in the Kagoshima rebellion, I deem it due to the truth of history to say that it is reported that this illustrious man declares that he is, as he always has been, the friend and supporter of His Imperial Majesty the Emperor.

There has appeared in the Japan Mail of the 3d instant an interesting sketch of the principal events, in the life of General Saigo, a copy of which is published in the Japan Herald of this date, and which I have the honor to inclose.

You will observe by the statements of this paper that Saigo is a per-

son of superior intellect and commanding presence. From all that I have heard of him, I am inclined to think that he was endowed to be a king of men, however false may be his present action. His rescue of his friend Gessho from impending and violent death, and, fearing that his efforts to save him might fail, his plunging with him into the sea, preferring to die with him rather than to surrender him to his relentless pursuers, seem to me an indication by acts, not words, of the fidelity which belongs to heroic souls. It is greatly to be regretted that such a man should be found in apparent hostility to his rightful sovereign, the Emperor of Japan, for whose restoration to the throne of his fathers he did so much, and of which gallant and loyal service His Majesty the Emperor made grateful acknowledgment on the 2d of July, 1868, as follows:

You (General Saigo) have been the strongest upholder of my cause, and you have for years been endeavoring to secure my restoration. Owing to your skill as military commander in obtaining possession of Yedo Castle, in gaining the victories of Echigo, and by your diligence in all affairs connected with my service, you have gained for me the peace I to-day enjoy. I honor your actions.

I have, &c.,

JNO. A. BINGHAM.

[Inclosure.]

SAIGO, THE REBEL LEADER.

[From the Japan Mail, March 6, 1877.]

In view of the grave interest which centers in Saigo at the present crisis, we place before our readers a short sketch of the principal events of his life, for the particulars of which we are indebted to the kindness of a Japanese friend.

Saigo Takamori, better known by the more common name of Kichinosuke, is about fifty years of age, and comes of a good family of the *samurai* of Satsuma. He is a man endowed with far more than ordinary abilities, his personal appearance also bearing evidence to the superiority of his intellect. His younger days were spent mostly in and around Hiogo, and in Yedo, where he completed his studies, and where he first made the acquaintance of Katsu-awa, the ex-minister of the navy.

During the years of Kaiyei (1848-'53), while in Kiôto, he formed a friendship with a priest of the temple called Hôshô-In, at Kiyomidzu, by the name of Gessho, who, like Saigo, was an ardent upholder of the *Kinnô* (literally, duty toward the Emperor) cause, and who was a favorite of Konoye, a *kuge* of high rank.

In the autumn of 1858, Saigo was induced, against his judgment, to make a journey to Mito, as the bearer of a message from Konoye, delivered to him through Gessho, to the *Daimio* of that province, who was confined in his Yashiki by the Bakufu (government of the Shôgun). The imperial court had expressed a desire that the *Daimio* of Mito should be appointed one of the advisers of the Bakufu, as he was known to be a staunch upholder of the *Kinnô* cause, and the message that Saigo carried was an official notice of the desired appointment. But he failed to carry out his mission as he had expected, and came to Yedo. After remaining there a short time he returned to Kiôto, where he resided with Gessho, Umiyeda, and Yechiji, all adherents of the Emperor's cause, and with whom he consulted as to the best steps to be taken for the overthrow of the Shôgunate.

In the mean time the Bakufu had commenced a rigorous persecution of all partisans of the *Kinnô* cause. Saigo and his friends were especially the objects of its hatred, but for some time no severe measures were taken against them, probably through a wholesome fear of the Satsuma party. At length, however, Gessho was threatened, and his life being in great danger, by the advice of Konoye he escaped in a *kago* to Osaka, closely pursued by the officers of the Bakufu. Saigo and Umiyeda together managed to protect his flight, and to get him safely into hiding at Osaka. Saigo then went back to Kiôto, but after a short stay, finding that Gessho's life was still threatened, he hastily returned to Osaka and induced Gessho to attempt flight into Satsuma. Accordingly, accompanied by Umiyeda, they procured a junk and set sail for the south. They were chased by their enemies, and narrowly eluding pursuit, arrived at Shimonoseki. Leaving Gessho behind, Saigo proceeded to Satsuma to procure a hiding-place. Gessho, however, was compelled to fly, and came to Fukuoka, in Chikuzen, and after many narrow escapes, by the assistance of a certain *samurai*, named Hirano, managed to make his way to Satsuma, where he took refuge in a temple. In



the mean time Saigo was urging the Satsuma authorities to afford protection to Gessho, but, owing probably to fear of the Bakufu, assistance was refused. Meanwhile the Bakufu authorities were endeavoring to procure spies at Fukuoka who would undertake to go to Kagoshima and capture Gessho.

On the 15th October, in the dead of the night, Saigo came to the temple where Gessho had taken refuge, and found him and Hirano sleeping. He silently roused them, and Gessho at once comprehended, from the anxiety visible in his friend's countenance, the imminence of his danger and the necessity for immediate flight. Taking with them the priest's servant, Insuke, they entered a junk and set sail to the east. The boat was amply provided with food and *sake*, and a feast was prepared and partaken of. Suddenly, without a word, Saigo rose, and embracing Gessho, plunged with him into the sea and disappeared. After a few moments they reappeared on the surface, and were at once seized by the bewildered occupants of the junk and dragged on board. Both were found to be senseless. Saigo, a robust, powerful man, after a time revived, but all efforts to restore life to Gessho were in vain. Saigo's motive for this action has been accounted for in various ways, but the most probable solution is that, despairing of saving his friend, he resolved to perish with him.

Saigo now changed his name to Kikuchi Genjo, but the Satsuma authorities, dreading the vengeance of the Bakufu for permitting the escape of its intended victim, banished him to Oshima, where he again changed his name, taking that of Oshima-Sanyemon, in consequence of his having three times visited this place of banishment. In spite of the bodily hardships that he had to endure during the years of exile spent on this island, he continued to cultivate his mind, and never wavered in his firm resolve to overthrow the Shōgunate and restore the Mikado to legitimate power.

In 1863, when the struggle between the imperial court and the Bakufu grew more open and bitter, Shimadzu, lord of Satsuma, pardoned Saigo, and recalling him placed him at the head of the administration of affairs in his province. In 1865, when the Bakufu and the Chōshiu clan were in open warfare, Saigo arranged an alliance offensive and defensive between this clan and his own. In 1867 he attended the great meeting at Kiōto, and profoundly impressed the assembly by the truth and shrewdness of his counsels. In 1868 he was appointed adviser to the commander-in-chief of the imperial forces.

When the Mikado's troops advanced as far as Shinagawa, in the final struggle with the Shōgun, Katsu-awa, in an interview with Saigo, begged him to cease hostilities, as Keiki, the irresolute and effeminate head of the Bakufu, was willing to surrender. This was at midnight, and Saigo straightway asked to be furnished with a proof of submission. Katsu-awa said that on the following day the castle at Yedo should be surrendered. Saigo at once replied, "If to-morrow, why not to-night? There is no need to wait." The terms were made and the castle was given up.

After this, Saigo accompanied Arisugawa, the present commander of the imperial forces, to Echigo in an expedition against a number of rebels who had not yet thrown down their arms. After subduing these, Saigo was ordered to reduce to submission the retainers of the Shōgun's cause who had made their way to Yezo, which he undertook to do in thirty days, and he accomplished the task, giving proof of excellent judgment and great valor. For this the government at once wished to appoint him to the office of *sangi*, but he declined the distinction and returned home.

On the 2d July, the Mikado acknowledged his services in the following terms:

"You have been the strongest upholder of my cause, and you have for years been zealously endeavoring to secure my restoration. Owing to your skill as military commander, in obtaining possession of Yedo Castle, in gaining the victories of Echigo, and by your diligence in all affairs connected with my service, you have gained for me the peace I to-day enjoy. I honor your actions, and, as a reward therefor, decree to you an income of two thousand koku of rice per year."

This Saigo likewise declined to accept, but on the Mikado's ordering him to receive it he complied.

In 1871 Saigo was recalled by the Emperor, and elevated to the office of *sangi* with the rank of *jussami*. In May, 1873, he was appointed general of the imperial army, still retaining the office of *sangi*. In October of the same year arose the Korean question, which led to a disagreement between Saigo and some of the other members of the cabinet, unfortunately resulting in Saigo's withdrawal and return to Satsuma. Since that time the government has made frequent overtures to him, and the Emperor has more than once ordered the return of the man most influential in effecting his restoration, and whose firm devotion to the throne he re-established still, we thoroughly believe, remains unchanged. But from dislike to some of those who surround the sovereign, and who, he has reason to suppose, seek to advance their personal power, instead of laboring for the dignity and welfare of the empire at large, he has remained in retirement, devoting his time to the direction of a system of "private schools," or, as we now know, military academies, established by him, and supported to some extent by the pension decreed to him by the Mikado as a reward for his faithful services.

No. 195.

*Mr. Bingham to Mr. Fish.*

No. 518.]

LEGATION OF THE UNITED STATES,  
*Tokei, Japan, March 7, 1877.* (Received April 7.)

SIR: After all that I have communicated hitherto on the subject of the Kagoshima insurrection, it seems due to this government that I should inclose herewith, as part of the record, a translation of His Majesty's order deposing Marshal Saigo, shosami (officer of the third rank under the government), and Kirino Toshiaki and Shinowara Kunikado, generals of the army and officers of the fifth rank.

I have the honor to inclose a translation of the proclamation of His Excellency Sanjō Saneyoshi, daijō daijin (prime minister), in which his excellency gives the reasons of His Imperial Japanese Majesty's decree for deposing from office the several persons named.

I have, &amp;c.,

JNO. A. BINGHAM.

[Inclosure 1 in No. 518.—Translation.]

FROM THE EMPEROR'S TEMPORARY QUARTERS.

Proclamation is hereby made that the following notification has been sent to Kagoshima Ken.

SANJO SANEYOSHI,  
*Daijō Daijin.*

25th of 2d month of 10th year of Meiji.

## NOTIFICATION TO KAGOSHIMA KEN.

Whereas Saigo Takanori, marshal of the empire and shosami (officer of the third rank under the government), and Kirino Toshiaki and Shinowara Kunikado, both generals of the army and shogoi (government officers of the fifth rank), have collected insurgents and engaged in acts of rebellion, the Emperor hereby gives notice that they are deposed from their rank.

[Inclosure 2 in No. 518.—Translation.]

## PROCLAMATION.

The reasons for the imperial order for the suppression of the rebellion in Kagoshima Ken are the following:

1st. On the night of the 31st of the 1st month of this year, a number of insurgents broke into the arsenal in Kagoshima Ken, belonging to the army and navy departments and violently took many of the small arms and much of the ammunition there stored

2d. On the nights of the 2d and 3d of the 2d month, they again violently entered the same place, treated the officers in charge with violence and disrespect, and took away all of the arms, ammunition, and other articles found in the store-houses.

3d. They took possession of the dock-yard belonging to the navy department, and changed its name.

4th. On the 8th of the same month, they stopped the government mail steamer, the Taiki-Maru, on her way from Loo-choo, and unlawfully detained the officers on board.

5th. Again, when it was reported that many disorderly persons had assembled together with arms, and that the state of things was threatening, Vice-Admiral Kawamura, and Hayashi, vice-minister of the department of the interior, were sent by the Emperor to Kagoshima. After the arrival of these two envoys in the harbor on board the Takawo-Maru, they sent two officers ashore as messengers to the kenrei (governor), who were immediately arrested by the insurgents, who also took arms and embarked in small vessels to attack the Takawo-Maru. This vessel left that place when about to be fired upon, and anchored off the neighboring coast, where they had an interview with the kenrei, Mr. Oyama, in order to investigate the state of affairs. The insurgents, after pillaging the arms above named, dispersed for the time. The police, however, arrested several persons and took their testimony to the effect that there were lawless assemblies of persons who disturbed the public mind by stirring up rebellion. These facts

being ascertained, the two envoys returned to the capital and made their report to the Emperor. While he was considering what further steps were to be taken, on the 18th of last month Saigo Takanori, Kirino Toshiaki, and Shinowara Kunikado, entered Kumamoto Ken at the head of the insurgents, under arms, pretending that they entered to address (petition) the government. They disregarded the laws of the country, and disturbed the peace by the rebellious acts which they committed. In consequence, the Emperor's anger was greatly provoked, whereupon he issued the imperial order for the suppression of the insurgents, to preserve the laws, and hereby publishes the reasons for the same to the people of the various provinces that they may not at this time be deceived by unfounded rumors, and that all officers in charge may observe his wishes.

SANJÓ SANEYOSHI,  
*Daijo Daijin.*

25th of 2d month, 10th year of Meiji.

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No. 196.

*Mr. Bingham to Mr. Fish.*

No. 542.]

UNITED STATES LEGATION,  
*Токеи, Japan, April 21, 1877. (Received May 23.)*

SIR: I have the honor to further report concerning the civil war in this empire that on the 16th instant the siege of the castle of Kumamoto, in the island of Kiu-Siu, was raised, the insurgents fleeing before the imperial forces. That strong fort has been amply supplied, and is now held securely by the forces of His Imperial Majesty.

It is to be hoped that the revolt against His Majesty's Government will soon end in the complete triumph of the laws of the empire over anarchy. Surely the government of His Majesty the Emperor is better than no government. There is evidence in this revolt of the utter incapacity of its aiders and abettors to do what the offices of good administration require in the affairs of state. That the insurgents had ground for complaint, without justification for their revolt, in the oppressive taxes imposed upon the people, I do not doubt; but, as I have shown in these dispatches, that was a necessity imposed, not of choice, but by force, upon this government by the fetters imposed upon this people by the western powers in the treaty provisions which have cut off the government of Japan from any considerable revenue from imports, and compelled the collection of nearly all the revenue to its treasury by direct taxation upon the toiling millions of the empire; of all which I have fully acquainted the Department heretofore, and have in the interests of the United States, of Japan, and of our common humanity, protested against it.

I have, &c.,

JNO. A. BINGHAM.

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No. 197.

*Mr. Bingham to Mr. Evarts.*

No. 561.]

UNITED STATES LEGATION,  
*Токеи, Japan, May 21, 1877. (Received June 18.)*

SIR: Some days ago, Mr. Sameshima, His Imperial Japanese Majesty's vice-minister for foreign affairs, requested me to state verbally my opinion of the power of the Japanese Government to grant naturalization to the citizens or subjects of foreign countries. I answered the inquiry by

saying that the leading powers of Europe asserted that power; that the people of the United States asserted it from the foundation of our government, by providing in their national Constitution for a uniform rule of naturalization, and that, inasmuch as independent sovereignties were supposed to possess equal powers and rights within their respective territories, I was of opinion that the sovereignty of Japan possessed the power to grant naturalization to foreigners. The vice-minister then inquired if the exterritoriality provision in the several Japanese treaties with the western powers took away the right of Japan to grant naturalization to foreigners? To which I made a reply that, in my opinion, "that treaty provision did not in anywise affect the question, as the only intent thereof was to exempt the citizen or subject of the treaty-power from trial in civil or criminal cases in Japan, before Japanese tribunals, and to subject him to trial within this empire in all complaints before the judicial tribunals of the country to which he owed his present allegiance." In this connection, I also said to Mr. Same-shima that my government had by express statute declared the right of expatriation to be inherent in all men, and that when asserted by naturalization in the United States, such person became equally entitled to the protection of our government with the native-born citizen (Revised Statutes, sections 1999 and 2000), and added that England, after long contention with us over the asserted right of expatriation and the voluntary transfer of native allegiance, had by act of Parliament finally secured the right to British subjects.

I hope the views herein expressed may meet your approval, as "it seems probable that this government may pass a naturalization law, in which event it may become a question among the foreign representatives whether such right pertains to this government, as it has heretofore been questioned by some of the representatives of the foreign powers accredited to this court, whether this government could pass any law obligatory upon the subjects of their respective states, resident within this empire." On this latter question I always maintained the power and authority of this government to bind all persons within its domain to obedience to its general laws which were not in conflict with existing treaties, in which opinion, I am pleased to say, the Department hitherto has fully concurred.

I have, &c.,

JNO. A. BINGHAM.

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No. 198.

*Mr. Bingham to Mr. Evarts.*

No. 570.]

UNITED STATES LEGATION,  
*Tokei, Japan, May 23, 1877. (Received June 18.)*

SIR: His excellency Mr. Kuroda, minister of the Kaita Kushi, or agricultural department of this empire, and late His Imperial Japanese Majesty's ambassador to Corea, having been appointed temporarily inspector-general of war, has, I am pleased to note, won additional distinction in that service, of which the Emperor has made public acknowledgment, declaring that the relief of Kumamoto Castle (so long besieged by the insurgents) "was effected through the wise counsel and energy" of the minister. I have the honor to inclose a copy of the emperor's address.

I have, &c.,

JNO. A. BINGHAM.

[Inclosure in No. 570.]

*Address of the Mikado to General Kuroda, May 15, 1877.*

The Emperor addressed General Kuroda in the following terms, on the 15th instant (May), at the Auzaisho, Kiôto:

"You, Kiotaka, were appointed inspector-general of war, and at the head of our army you advanced on Yashiro, where you attacked the rebels in the rear and gained several victories over them, and finally relieved Kumamoto Castle. This has been effected through your wise counsel and energy, and I, the Mikado, am pleased with you.

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No. 199.

*Mr. Bingham to Mr. Evarts.*

No. 571.]

UNITED STATES LEGATION,  
*Токеи, Japan, May 23, 1877. (Received June 18.)*

SIR: I regret to say that the insurrection in this empire, which should not have begun, is not yet closed. Unhappily this people have not yet learned the great lesson of ages, that an appeal to arms is never to be resorted to until the conditions of peace and submission to law become more dangerous to life and property than the conditions of war.

It seems altogether probable that the insurgents must yield to the superior forces of the Emperor within the next thirty days. Unless there shall be new uprisings in other provinces, this must be so. Acting upon what I suppose to be the spirit of the age, and especially of our own people and country, I have informally and unofficially suggested that his Majesty the Emperor should, in the event of his triumph, season justice with mercy. My suggestion was well received, when I said that nothing more became a sovereign, and that humanity governs the moral forces of this century in all lands and under all forms of government.

I beg leave to inclose the proclamation of Prince Arisugawa-no-Miya, of the imperial house, the commander-in-chief of His Imperial Majesty's army.

I have, &amp;c.,

JNO. A. BINGHAM.

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[Inclosure.]

*Proclamation of Prince Arisugawa-no-Miya to Kagoshima Ken (Satsuma).**To Kagoshima Ken:*

Since the rebels of the above Ken forced their way into Kumamoto Ken in a great multitude, the people of Kagoshima Ken have been in a condition of great excitement, and have been allied with the rebels one after the other, and not a few of them have met with an untimely death, at which His Majesty the Mikado was greatly distressed, and sent out an imperial envoy to restore peace. But the people did not in the least understand his meaning, and wanted to act with still greater violence. However, at last they were beaten and came to their present defeated condition, and now they have left Kumamoto Ken, and it is very uncertain whether they will return to their own Ken, passing through the province of Hingua, and whether fear may not arise that they will injure quiet people. Now, therefore, His Majesty the Mikado intends at present to dispatch soldiers of the army specially to protect the people and to enable them to live in peace and quietness.

You, the Kocho, are requested to notify all the people under your jurisdiction to labor at their callings without suspicion, and to refrain from all insurrectionary movements.

APRIL 27, 1877 (4th month, 10th year of Meiji).

No. 200.

*Mr. Bingham to Mr. Evarts.*

No. 573.]

LEGATION OF THE UNITED STATES,  
*Токеи, Japan, May 31, 1877. (Received June 29.)*

SIR: On the 10th instant a notification that pardon will be granted to such of the insurgents as will lay down their arms, &c., was proclaimed by the imperial army, a translation of which as published in the Japan Herald of date of the 25th instant I have the honor to inclose herewith in duplicate.

I have, &amp;c.,

JNO. A. BINGHAM.

[Inclosure.]

[From the Japan Daily Herald, May 25, 1877.]

The following has been proclaimed by the imperial army :

## "NOTIFICATION.

"On examination of Satsuma prisoners it has been discovered that many of them, in following their leader, thought they were acting for the interests of the country, and had no idea they were in rebellion against the imperial authority. It has also come to light that a report has been circulated that the imperialists would never forgive them now, even if they should surrender themselves, and therefore they have resolved to fight to the death. This is a great pity, because the report is entirely false. Whosoever repents of his rebellion and surrenders himself will receive his pardon. This they ought to consider, and without a moment's loss surrender in order to escape the stigma of traitors. Let this be known.

"HEADQUARTERS OF THE IMPERIAL ARMY, May, 10th year of Meiji."

No. 201.

*Mr. Bingham to Mr. Evarts.*

No. 584.]

UNITED STATES LEGATION,  
*Токеи, Japan, June 18, 1877. (Received July 25.)*

SIR: I have the honor to inclose herewith, for your information, a copy of the official return of "His Imperial Majesty's Customs of Japan" for the month of April, 1877.

It will be observed, by reference to page 5 of this return, that for the month named the exports of Japan were of the declared value of \$848,618.91, and the export-duty thereon \$25,000; that the imports of Japan for the same month were of the declared value of \$2,319,101.88, and the duty thereon \$94,928.17; showing the value of the imports to have been in excess of the value of the exports to the amount of \$1,470,482.97; which, at the same rate, would show for the current year an excess of imports to the amount of \$17,000,000, in round numbers.

This report shows an export of treasure during the month of April of \$1,683,241.75, and an import of treasure of only \$324,700; showing an excess of export of treasure over the import of \$1,358,541; which, at the same rate for the current year, would give an excess in the export of treasure of \$16,000,000, in round numbers.

I have before reported to the Department the estimate of the revenue of this government for the current fiscal year to be \$62,000,000, and the ordinary estimate of expenditure to amount to the like sum, less only

about \$2,000, and if to that you add the extraordinary expenses of the government in the suppression of the rebellion, reported at \$4,000,000 per month, and not included in the former estimate, the result will be a bad showing for Japan.

It is gratifying to note that the tonnage of merchant vessels of the United States which entered and cleared the several ports of this empire during the month of April last was nearly equal to the united tonnage of the merchant vessels of all other foreign nations in the ports of Japan for the same month.

I have, &c.,

JNO. A. BINGHAM.

No. 202.

*Mr. Bingham to Mr. Evarts.*

No. 587.]

LEGATION OF THE UNITED STATES,  
*Токеи, Japan, June 23, 1877.* (Received July 25.)

SIR: Reports up to the 20th instant from the insurrectionary district in this empire seem to indicate that the rebellion is well-nigh suppressed. The semi-official reports are to the effect that the insurgents have been restricted to narrower limits than heretofore, nearly all of them being now in the province of Hiuga, on the east of the island of Kiu-Siu, and that the commander of six companies in the vicinity of Midzumoto has asked that he and his men, exceeding six hundred, be allowed to surrender as prisoners of war.

I have, &c.,

JNO. A. BINGHAM.

No. 203.

*Mr. Bingham to Mr. Evarts.*

No. 596.]

UNITED STATES LEGATION,  
*Токеи, Japan, July 24, 1877.* (Received August 18.)

SIR: Under my instructions, I deem it my duty to acquaint you of the internal affairs of this empire. Therefore it is that I communicate the inclosed correspondence between Kawamura Sumiyoshi, the acting admiral of Japan, and the Satsuma army, in revolt under Saigo, as published in the Japan Daily Herald of the 14th instant.

You will observe that Admiral Kawamura states that when it was reported that Saigo had revolted, "His Majesty the Mikado became very angry," and ordered an expedition to punish the rebels. The admiral adds that it "is quite against reason that wrong should prevail against right," or that "servants should oppose their masters," and that when "our country (Japan) is occupied with foreign treaties, the people ought to be diligent in serving their country." This letter concludes with the words, "if you will repent of your errors \* \* \* I (he) will intercede with the government and ask for your pardon," \* \* \* and "if in future \* \* \* you prove your patriotism \* \* \* your good fame will be as high above your present shame as the sky is above the sea."

\* \* \* \* \*  
I have no doubt of the authenticity of the inclosed letters as published

in the Herald, nor do I doubt that the Satsuma reply sets out the grounds upon which the insurgents intend to rest the justification of their revolt.

I have, &c.,

JNO. A. BINGHAM.

[Inclosure.]

[From the Japan Daily Herald, July 14, 1877.]

LETTER FROM KAWAMURA SUMIYOSHI TO THE SATSUMA ARMY.

[Translation from the Hochi Shimbun.]

When it was reported at Kiôto that Saigo Takamori, at the head of a large army, had revolted and forced his way into Kumamoto, His Majesty the Mikado became very angry, and ordered a great military and naval expedition to punish the rebels. For a long time victory alternated with defeat, but at last wrong must give way to right, and now the rebel forces have become weakened, they can neither advance nor retreat, but must perish in the mountains and wildernesses. In this their extremity they are anxiously looking for assistance from outside, but both gods and men have become vexed with their evil doings, and there is not a single man who will come to their assistance. Beppu and Hemmi tried to raise new levies in Kagoshima, and to accomplish their purpose they had recourse to force and spread mendacious reports throughout the province.

When I heard of this I was very much grieved, and I wrote a letter on the present state of things, which I wanted to send to Kagoshima, but press of other business prevented me. However, I have now been informed that Commander Yamasaki, of the Hoshô-kuwan, has written twice to you, stating just what I wanted to say. This has gratified me very much, and I will now add a few words to express my own idea.

Now, nobody disputes that it is quite against reason that wrong should prevail against right, or that servants should successfully oppose their masters. At present, when our country is occupied with foreign treaties, the people ought to be diligent in serving their country. But you in your resentment have taken up arms and greatly injured your country. However, although you have gone astray and opposed the imperial army, you are not the originators of this confusion. I know exactly how matters stand, and if you will repent of your errors and return to your duty, I will intercede with the government and ask for your pardon. If you in future devote yourselves to the service of your country and prove your patriotism, then such conduct will not only bring your guilt into oblivion, but your good fame will be as high above your present shame as the sky is above the sea. This is what I wanted to tell you, and now you may ponder over my words and test their value.

ANSWER TO THE ABOVE LETTER.

*Translation from the Hochi Shimbun.*

We have received a letter from your excellency Kawamura Sumiyoshi, acting minister of the navy, and we have opened and perused it. In your letter you often make use of the words, "wrong against right," but your opinion is a one-sided one; it is like looking at the leaves and boughs of a tree without taking any notice of its trunk and roots. Who is the cause of this present shower of cannon and musket balls, if it is not ——? When Saigo Takamori was in Kagoshima, he was *shosami* (3d rank) and marshal of the imperial army; he was a high officer of the Mikado, and nevertheless —— commissioned reckless men to go and assassinate that high officer. If these men were not traitors, what else were they? And that was the origin of the present trouble. It must be admitted that the criminal code is a mockery and the law powerless, if the government does not punish such malefactors. But when the criminal code has become a mockery and the law powerless, then "wrong" and "right" lose their proper meaning and become confused, and how then can they rule the country and the people? Saigo Takamori was grieved at this occurrence, and intended to ask the government some questions about it, and for that purpose he left Kagoshima. When he entered Kumamoto, Higo, he was attacked by the troops and not allowed to pass. The government without any reason deprived him of his rank and office and branded him with the name of traitor. But this is not His Majesty's doing; his treacherous servants deceived him for their own selfish ends, and slanderously attributed to Saigo the act of rebellion. This is the reason why we all have become excited, and, as we love right and justice, we want to punish the treacherous servants of the country, restore the reign of justice and right throughout the empire, and dissipate the cloud that now obscures the glory of the Mikado.

In your letter you say that we are opposing the imperial army, but that army is not the imperial army; they are in reality rebels, employed by the treacherous servants to prevent our establishing right and justice, and therefore it is our duty to pun-



ish them. You also say that you will ask for our pardon; this raises our anger, because we all know how to die for a just cause, and are not moved in our purpose by any regard for life or death. Nor can we understand you when you speak of our returning to our duty. We have from the first done our duty and are doing it now. How can we, then, return to it? Again you say that our forces are weakened; what is the meaning of these words? The longer the Kumamoto war continues the more we become accustomed to war. Kumamoto castle was very near its fall, and the circumstances of Yashiro are very much the same. When you say that our army can neither advance nor retreat, but must die in the wilderness, then you state what is contrary to the fact. All this reads as if your excellency had been speaking in a midsummer night's dream, and we find it very ridiculous. Your excellency ought to come and ask our pardon, but we shall refuse to receive any more of your letters.

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No. 204.

*Mr. Bingham to Mr. Evarts.*

No. 597.]

UNITED STATES LEGATION,  
*Токеи, Japan, July 24, 1877.* (Received August 18.)

SIR: In the Japan Weekly Mail (Yokohama) of the 7th instant, there appeared a full translation of the memorial of the Risshisha (association) of Tosa, which, bearing the name of Kataoka Kiukichi, a representative of that society, was presented to His Imperial Japanese Majesty, on the 14th ultimo, at Kiôto, and it is reported was rejected and returned. The paper seems to me valuable for the facts of recent political history which it contains, and also an account of the reasons which it presents for a change of the existing government of Japan.

You will observe that the memorial attributes the internal strife of the empire to "the fact that His Majesty's ministers exercise a power solely despotic, the administration being carried on entirely without reference to the opinion of the nation."

There is much in the paper which cannot fail to interest you, especially the reforms demanded, and heretofore favored by His Majesty by imperial decree of April 14, 1875, transmitted by me to the Department. (See my No. 219, April 20, 1875.) It seems to me that the utterance made in this paper, that "in order to advance the public welfare public opinion must be allowed free expression," is very significant, and sooner or later will command the attention of the Emperor and his people.

Among the grievances complained of you will notice the failure of the government to obtain a revision of existing treaties.

Without intending to express an opinion of the justice of the complaints, or of the wisdom or propriety of the reforms set forth in the memorial, I have the honor to submit it for the information of the Department.

I have, &c.,

JNO. A. BINGHAM.

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[Inclosure.]

[From the Japan Weekly Mail, July 7, 1877.]

THE MEMORIAL OF THE RISSHISHA.

With greatest reverence we present to His Majesty the Mikado this, our most humble memorial.

Shortly after your accession to the throne, the *daimios* yielded up their territorial rights, their provinces being placed under a central government. The feudal system was thus entirely abolished and the whole country united under one emperor. Laws were re-enacted; the army, navy, and system of police were established; schools were instituted; the postal system regulated; railways and telegraphs inaugurated.

The rapidity with which this country has advanced in civilization is unparalleled in the history of the world; so powerful has the nation apparently become, that it may seem to many as though little remains to place it on a level with European and American powers. But in reality our position is far otherwise. Internal strife, and dissatisfaction among the agricultural classes and the *samurai*, keep the country in a state of constant uneasiness, while we cannot claim to exercise an external influence equal to foreign powers. Neither the government nor the people are freed from anxiety for a single day. It is our opinion that all these evils arise from the fact that Your Majesty's ministers exercise a power solely despotic, the administration being carried on entirely without reference to the opinion of the nation.

We will not recount the various events that have taken place in other countries in ancient times which bear out our opinion, but will merely refer to what has passed in your own land since Your Majesty favored us by taking the reins of government.

The cause of the downfall of the *Bakufu* is solely attributable to the tyranny of ministers and to their oppressing the people, instead of considering their wishes. Zealous patriots arose in all parts of the country to overthrow the *Bakufu*. In vain did it fulminate laws and mete out inhuman punishments in order to crush these patriotic spirits. They had yet to learn that tyranny and oppression cannot be relied on for safety as a support; that the united will of a nation cannot be overcome, but will achieve its aim in the end. Thus the power of the *Bakufu* naturally waned, and was at last utterly overthrown by the efforts of the patriots it had relentlessly persecuted.

When Your Majesty came to the throne, the *han* were still powerful, and the foundations of the government were not firmly laid. But Your Majesty took an oath before the gods that you would administer the government in accordance with the just will of the nation. In order to ascertain the popular feeling as to the best means to be pursued to put the affairs of the country in order, representatives of the various *han* were summoned to Tokiô, and after due deliberation it was decided that the *daimios* should return to the throne the domains which they had held for hundreds of years. This decision was duly carried into effect, and the former lords of the lands were appointed governors (*chiji*) of the provinces which, up to that time, they had been in the habit of governing independently.

Your Majesty's Government, not regarding this step as sufficient to consolidate its power, divided the country into *fu*, *han*, and *ken*, thus centralizing the power of the administration in the capital by abolishing the *chiji* of the *han*, and replacing them by governors of *ken*. This is the first step we took toward civilization.

Why did these changes take place? Because the will of a people will have its own way, as surely as water runs down hill. It becomes irresistible. The people have never spoken harshly of the measures which converted *han* into *ken*, or which gave *heimin* equal rights with *samurai*, because they accord with the national sense of right. It is clear, then, that the oath of the Emperor should be strictly observed, and a representative assembly established in order that the people may have a voice in the affairs of the nation, and that they may aid the ministry in promoting the welfare of their country.

The time has passed for talking about the change of *han* into *ken*, and of the rights of *heimin* and *samurai*. The opportunity for establishing a limited form of government on solid foundations has arrived, and the exercise of the soundest judgment is required to secure that most precious fruit of civilization, a representative assembly; yet the several members of the administration do not appear to be endowed with sufficient perception to see their opportunity; on the contrary, they seem to have resolved to act despotically, and, with willful perversion, to do only what shall please themselves, regardless of the wishes of the nation.

Despotism and oppression were the sins of the administration of the *Bakufu*. Its overthrow can only be regarded as a just punishment for its disrespect toward the Emperor and its oppressive treatment of the people.

Alas! the present government is following the same course. Laws have been enforced, taxes imposed, the collection of the land-tax reformed, wars declared against foreign countries, portions of the empire exchanged, solely at the caprice of several officials, without allowing public opinion to have a voice in the matter. The sacred oath taken by the Emperor on his accession to the throne has been altogether set aside.

So great is the distance that separates the government from the people, that the latter look up to it as astronomers look up to the heavens, with the greatest uncertainty. The sky seems continually obscured by threatening clouds, whose constant and terrible lightnings and thunders strike terror, if not despair, to the minds of the beholders, who tremble lest they may never see the bright beams of the sun again.

The outbreaks that have recently taken place have arisen from various causes. Those who have misunderstood the intention of the poll-tax; those who have suffered by the reform of the land-tax; those who insisted on an invasion of Corea; those who favored a return to the feudal system; those who wished the dismissal of certain officials surrounding the imperial throne; all these have fomented disturbances. If any one who in the future may write the history of the first ten years of the *Meiji* shall

say that wars ceased not for a day, and that the country was brought to the very verge of ruin, he will fairly well describe the actual condition of affairs.

The duty of a government is to preserve peace in a country; not to interfere with the happiness of the people and to hinder them from enjoying their first rights and privileges. With these the Omnipotent has endowed men as surely as he has given them bodies and souls, and if a government, relying on its power, endeavors to prevent their full exercise, there is no reason why a people should remain passive under such oppression.

If we look into the condition of various Asiatic nations, we see that although their territory is extensive and their land fertile, the government is tyrannical and the people slavish. The latter have no control over their rights, and are separated from their rulers by a great gulf. The wants of the people do not influence the actions of the government, and so, becoming slavish, they cease to take any interest in the well-being of their country. In such a case a government cannot become upright nor a people advanced in civilization.

Since Your Majesty's accession to the imperial power, though great reforms have taken place and wonderful improvements have been made, yet the nation is continually plunged into civil war and the outside world treats us with contempt. Such evils are brought about by the government not paying attention to the will of the people.

First among the prevailing evils, and the one which causes us the greatest anxiety, is the action of the cabinet in imposing its own oppressive measures without in any way respecting the will of Your Imperial Majesty.

On the 14th March, 1868 (1st year of Meiji), Your Majesty, in the presence of the *daimios* and *kuges*, swore before the gods five oaths: First, that the government should be administered in a liberal manner, and that the will of the nation should be consulted as to the management of its affairs. Secondly, that both the higher and the lower (meaning the government and the people) were to be united in the administration. Thirdly, that Your Majesty would consider the rights of the *samurai* and the people. Fourthly, that old and useless customs should be abolished, and that the action of the government should be progressive. Fifthly, that the wisdom of the world should be adopted to promote the dignity of the Emperor.

Again, on the 14th of April, 1875 (8th year of Meiji), Your Majesty decreed as follows, with regard to the establishment separately of the legislative, executive, and judicial bodies and the institution of a liberal form of government:

"According to our oath, we do here establish the *Genro-In* as the fountain head of lawgiving. We create the *Daishin-In* to give strength to upright judicial procedure. We likewise summon the local officials in order to take opinion on matters affecting public welfare, and so by degrees to build up a well-founded political structure for the welfare of our country, and we are desirous that each and every one of you should partake in its benefits."

When Your Majesty subscribed to these oaths the people were put into a great state of joy, and on the issue of the above edict could not sufficiently praise Your Majesty's benevolence, looking confidently for the fulfillment of the several pledges. But it seems that Your Majesty's ministers did not choose to act in accordance with the imperial will, as before a month had elapsed they ignored it utterly. It is true that a meeting of the governors of the provinces did once take place, but in the following year Your Majesty's journey to the north was made the excuse for not again summoning them to the capital, which ought to have been done.

Moreover, when the first convocation did take place, sufficient time was not allowed to discuss all the questions put before the assembly. Can it be said therefore that public opinion was allowed any expression, or that the people were in any way benefited?

With regard to the *Genro-In*, its powers were curtailed and its mode of administration changed at the whim of the cabinet, so that it became essentially the same as the *Sa-In*.\* The *Daishin-In* met with the same fate directly after its establishment, and was put under the control of the judicial department. Thus were the powers of institutions that were intended to act as legislative and judicial bodies rendered void by the arbitrary will of Your Majesty's counselors. If the imperial will be treated thus, what hope is there that the people will be permitted a voice in the government, and be allowed to unite with the official class in the administration of national affairs.

Some time ago, the ex-*Sangi* Soyejima Taneomi urged the establishment of a representative assembly, and the people generally agreed with his views, the lowest classes even expressing a wish to see such an assembly established. But the ministry disapproved of the idea, saying that it was too early and that the people were too ignorant. They speak as though they are the only men in the country who know anything and that all the rest are fools. Yet if they show no desire to do anything for the promotion of the welfare of the people, they are no better than the ministry of the *Bakufu* whose place they have taken. If this state of things is allowed to continue, when

\* This was an institution which was abolished when the *Genro-In* was created.

shall we get on to the real road to progress, and when will old and evil customs be abolished?

Those who have held the actual power in the government since the restoration are composed solely of men from Satsuma, Chōshiu, Tosa, and Hizen, and to serve their own interests they all play into each other's hands. Although the ministry limits its choice of members to the four provinces referred to, surely no one will say that these alone produce men of sense. Is this acting in accordance with the oath of Your Imperial Majesty? Is this uniting the best intellect of the nation in an endeavor to promote the dignity of the Emperor?

Your Majesty's ministers have acted directly contrary to Your Majesty's will, which is that the people shall have a voice in matters of national administration. They have enacted such laws as the press and libel-laws, in order, by the former, to stifle all expression of public opinion, and by the latter to ensnare the people in a most obnoxious manner. Those who dare to express an opinion on the government, or who, from their position, might naturally be supposed to concern themselves in the affairs of the nation, are continually under the suspicion of the government, and are not unfrequently arrested. Imprisonment has been made the vile means of silencing all expression of public opinion, and Your Majesty's subjects are thus kept in a constant state of alarm.

The second evil is that the management of this government is conducted in a random and confused manner.

As we have previously stated, the administration is in the hands of a few despotic officials who act without reference to the opinion or welfare of the nation. This is proof of the bad form of the government which causes all this disorder. All the positions, from the *Daijō Daijin* to the heads of the various departments, are filled by men who formerly possessed influence in their various *ken*, and who received their appointments during the confusion of the civil war. They go about from one department to another, and pretend to be perfectly acquainted with the affairs of each, but in reality they know little, if anything, about them. Witness the length of time they take to execute the simplest duties. The lower class of officials, in imitation of their superiors, treat all public matters in a similar spirit, as though they alone were personally interested in them, and in this way is the government constantly chopping and changing. The officials have probably no special aims. They are men of about equal ability, but one says "go east," the other insists on going west, and hence a state of constant confusion. The prime minister can with difficulty hold his own. The legislative body may be called *In* or *Kioku*, but its nature remains unchanged; it is absolutely powerless. As to the executive department, when governors memorialize the central government it is very partial in its decisions, approving on the part of one governor what it would reject if coming from another governor. As for the judicial department, although it is supposed to have been founded, its workings are far from satisfactory. For instance, the question of a mere collision between two vessels cannot be decided until after several departments have been consulted, and though it is cognizant of maladministration in certain *ken*, it takes no steps to have the evil corrected. Such facts as corrupt officials receiving the assistance of the chiefs of their departments in carrying out their evil practices are not unknown. The cabinet ministers have all their own way. When they wish anything carried out in the several departments under their control they bring it before the cabinet, which they themselves form, and give it their own approval. When a measure is enforced which may benefit one department, but is unsuitable to another, it is subject to constant alterations. Thus, notifications are always being altered and withdrawn directly after their issue, to the great misguiding of the people. Indeed, the fickleness of the government is so well known that, when a measure is passed, the people say, "Well, it may probably remain in force thirty days;" so that the constant issue of notifications causes unending confusion. No sooner have the people become used to the working of some new regulation than it is changed, and though the lower officials must understand how extremely prejudicial all this is to the welfare of the people, yet they are compelled to obey the orders of their superiors without daring to utter a word of protest. All this causes the people to dislike the government.

Such important measures as the enactment of laws and the imposition of taxes are carried out by the government without due consideration, for the reason that there is no system in its administration. At the time of the restoration the officials were appointed for a term of four years only, but the regulation was merely a nominal one, never having been carried into effect.

In order to advance the public welfare, public opinion must be allowed expression, and such liberty will be the foundation of our prosperity. Be its ministers ever so wise, it is natural to a government to become despotic. With a country in such a condition as ours, how much more likely is such a state of things to come about.

The third evil is that the power of the country has been too largely concentrated in the central government. Officials who recognized perpetually the evils of feudalism have gathered to the capital all the powers that were originally in the hands of

the *daimios*. This power is far greater than it should be, and it seems as though the government was endeavoring to make itself as despotic as possible.

With the view of facilitating the administration of government, governors were appointed to the various *ken* with entire powers of jurisdiction over the people placed in their charge. But we find that the actual powers of these governors are limited to the collecting of taxes. No road, bridge, or public building can be constructed without first obtaining the approval of the central government. Thus we find the time of all local officials principally occupied in writing letters and attaching seals to documents for transmission to the central government. Their time being thus frittered away, what time have they to give to the consideration of petitions and memorials sent in to them by the people? Every fraction of the taxes has to be sent to the *Okurasho*, while the *Naimusho* must always be consulted before the most trivial matter can be carried out. Then the continual receipt of notifications from the government and the constant changing of edicts are sources of no slight amount of vexation. While, therefore, the expenditure of the local offices is strictly limited, they are called upon to perform an unlimited amount of work.

The establishing of schools and the promotion of agricultural industries are no doubt necessary and excellent, but when the ideas are carried out to an extravagant extent, at the expense of the people, the only effect is to create a great deal of ill-will.

The country has been divided up into *ken*, and various offices have been established in connection therewith, but they are so frequently changed, one office being divided into two or three, or several being amalgamated, that the greatest inconvenience is occasioned. The government is, in fact, always endeavoring to decrease the little power possessed by the local authorities and to concentrate it wholly in its own hands.

Last year the government issued a regulation specifying the term of service of the local officials, and placing in their hands a certain amount of responsibility in their discharge of the affairs of the *ken*. The authority granted them is, however, far from being sufficient, and, in order to check the power of the central government, far more freedom of action must be permitted to the local officials.

The government, in order to prove to the people that its administration is a just one toward them, should encourage the idea of popular government, and show at the same time that it can be influenced by opinion. But the action of the present government is the reverse of this, for, regardless of such considerations, it seeks only to accumulate the power in its own hands. The dwellers in the cities are rendered bankrupt and the people in the country are brought to utter poverty. These are the sad results of despotic rule.

The fourth evil is that the military system will never be placed on a proper open footing until the mode of recruiting the army is made to agree with the form of government.

General conscription and poll-taxes are not matters with which a despotic government should meddle. They can only be imposed by limited forms of government. Reforms can be more readily enforced by despotism, yet our government, despotic as it is, cannot carry out and support measures of reform. In the conducting of a limited form of administration, the people unite with the government in the management of the affairs of the country, and peace is, therefore, more likely to be preserved under such a rule than under despotism. The people under limited forms of government pay taxes in order to secure to themselves the happiness that arises from a sense of protection by the government. They hold themselves responsible for the defense of the country, and are willing to shed their blood in its cause. This proves that they understand the meaning of self-government.

But under a despotic rule the case is a very different one. The rulers possess absolute power, while the people are in a condition very grievous to be borne. Whatever little money they may possess is wrung from them by taxation. Worse than that, they may be called upon at any time to give their blood. Surely such treatment of its people by a government cannot be pleasing in the eyes of the gods who govern all. The people under this absolute rule have no responsible existence. The government does what it likes, and enlists troops on the plea of necessary defense of the Emperor. The system of general conscription can never work well unless it accords with the form of government.

Let us show how the military system at present in force was first brought about. After the restoration the military and civil duties of the *samurai* were abolished, and a proclamation was issued to the effect that the *samurai* and *heimin* should unite in forming an army for the defense of the nation. Regulations were published relative to the enlistment of young men throughout the country, regardless of class, for the formation of regular forces. Now, we do not hold that this system is bad, but we maintain that it is not suited to the present time, or, in other words, to the present form of government. Since the above regulations were enforced, large barracks have been built, officers dressed out in showy uniforms, the troops furnished with arms of the latest improved pattern, and everything done in splendid form. Yet we see, on the occasion of a rebellion breaking out in Kiu-Siu, the imperial army finds itself very hard pressed

in the engagements in Higo. Not only the whole of the regular army and reserves have to be sent down, but, finding they cannot suppress the insurrection, police forces are armed and dispatched to the seat of war, together with large numbers of *samurai* of various *ken*. Now, police were not intended to be used as soldiers in the field.

The condition of our country may be compared to that of a house ruled over by an obstinate and avaricious steward, who allows the family a sufficiency of neither food nor clothing, and who even goes so far as to seize their possessions, beating and ill-treating them if they dare to murmur, causing to all the greatest distress. With matters going on in this way, a fire breaks out in an adjoining house, which quickly spreads to the dwelling of the steward. The family say, "Well, we have been existing without a sufficiency of food or clothing, and have been despoiled of everything we once possessed. What is the good of our making any efforts to save our own property when it has been taken away from us?" And they run out of the house, saying, "We are lucky as long as we escape with our lives," and they take no pains to extinguish the flames.

Such an excellent institution—that is, excellent in the eyes of the government—as a poll-tax cannot be introduced in such countries as Japan. The people now consider it a cruel imposition. Like the conscription, it is only suited to constitutional forms of government, and such is the government that Japan requires. For were a popular government to be introduced, the people would get rid of their miserably slavish customs and ideas, and, feeling that they were to some extent responsible for the administration of their country's affairs, they would interest themselves therein and become happier. They would not then deem their blood too precious to be spent in their country's cause, a feeling of patriotism that is sadly wanting at the present time.

We are of opinion that the first step toward the formation of a limited form of government was taken when the duties of the *samurai* were abolished. This was done principally in the interests of the people. Unless it was the intention of forming a limited government, the object of abolishing the duties of the *samurai* is not apparent.

Under present circumstances the general conscription is useless, and the enormous sums spent in maintaining these forces produce fruitless results. The necessity of sending to the seat of war policemen who are only enrolled to aid in keeping civil order in peaceful times does not arise from indolence of commanders nor want of discipline among the troops, but because the people have no idea of their responsibility in the affairs of the nation, and because nothing is done to acquaint them with their duty. The using of policemen as troops, serviceable as they may be to the government in the present emergency, will not, we fear, prove a good thing in the end. Moreover it is a mighty wrong that the people should have to supply the means for carrying on war and be compelled to sacrifice their lives on behalf of a government in which they have no part nor voice.

The fifth evil is the mismanagement of the finances of the nation.

This is an evil from which all nations have for a long time had to suffer. In any country which has not a limited form of government the public are, as far as possible, kept in ignorance of the state of the exchequer. Since Your Majesty came to the throne large sums have been expended in wars, public works, and the like. We are well aware, as we see by the dismissal of officials whose services are no longer required, that all unnecessary expenses have been done away with. Accounts of expenditures are also kept. This is all well and good, but the government departments have had branch offices in certain banking establishments to which portions of the public moneys have been intrusted. This has been done without first examining the financial conditions of such establishments. But there comes a day when, the suspicions of the government being aroused, it desires to withdraw its deposits. Then it is discovered that, although the bank may sell off everything it owns, the proceeds will not suffice to pay back one-tenth of the government money intrusted to its charge. In consequence of this, the government issued certain laws (concerning the depositories of the national funds) which were acted upon by all the *fu* and *ken*, and which, by their action, brought ruin to many a banking-house. The consequences were felt in all quarters, and the free circulation of the currency affected.

The taxes of the *fu* and *ken* are collected and sent directly to the *Okurasho*. This causes great scarcity of money in the country and cripples its powers of production. The government shows great activity in promoting schemes for agricultural industries, in opening up Yezo, and in establishing manufactories, but the officials appointed to take charge of such matters utterly mismanage whatever is intrusted to their care, and interfere with the just rights of the farmers and merchants. Hundreds of thousands of *yen* are spent in assisting certain companies or in forming new ones, but such benevolent acts of the government are confined to certain persons or associations, and in no way exercise any benefit for the public good.

The chiefs of the various departments have full powers to increase or decrease the allowance for their annual expenditure, as they can also increase or decrease the duties of their respective officers. The amount of work, therefore, done by any department depends on the amount of its allowances, instead of the expenditure being in propor-

tion to the work actually done. The taxes represent the fruits of the people's labor, won with great sweat and toil. The government has taxed the people enormously, but we do not see that the revenue is economically used. We see, certainly, estimates of what is apportioned each year to the several departments, but we are not shown how it is expended. Reserve funds and surplus from the annual allowances are spoken of from time to time, but their existence is very doubtful indeed.

On coming into the capital from the country one is struck with the vast difference there is between the wealth of the former and the wretched poverty of the latter. It seems as though all money had collected in the capital and ceased to circulate in the country. The nation is greatly troubled on account of this, but it is only because the government keeps everything secret from the people. Although it shows them tables of expenditure, it never lets them see the real accounts as to how such expenditure is conducted.

With whom does Your Imperial Majesty consult with reference to the manner in which the expenses of war, cost of public works, the foreign and native loans, and such like, shall be met? If the people get no return in increased happiness for the taxes they pay, there must be some great mismanagement of the finances.

The sixth is the present system of collecting the land-taxes, which constitutes an oppression too great to be borne by the people.

It is the duty of a government to watch over the people, to govern the country with a sole view to their welfare; and to enable them to do this it is necessary that taxes should be levied. Should the government rightly perform its duties, the people will readily acknowledge their obligations. A proper administration can only be secured through the adoption of constitutional government, and when this takes place many existent evils will be done away. But under a despotic government the people are kept, as it were, slaves. It imposes taxes at will. It boasts of its benevolence, but in reality the people are stripped of their rights and properties, and no heed is paid to their complaints. Owing to feudal influences, the method of collecting taxes has differed in nearly every province, and the issue of the edict providing for a general reform of the land-taxes, by which all the land in the country was to be taxed equally, caused great joy among Your Majesty's subjects. But the officials in their haste to carry this into effect caused a vast amount of inconvenience to the farmers, who were compelled to leave the cultivation of their lands, and set to work to survey the ground, prepare maps, do this thing and that thing, while the officials insisted on the taxes being paid before the value of the land was properly settled and apportioned. Thus the good intentions of Your Majesty in issuing this proclamation have been entirely frustrated by the conduct of Your Majesty's officials.

The government introduces many reforms which are good in themselves, but are totally unsuited to its present despotic form, and which results in much evil instead of the good they are intended to produce. When they saw the imperial decree of the 4th January, 1877, the people's suspicions were again aroused. People pay taxes in order to promote their own happiness, and if they feel secure of this they pay willingly; but how does the government propose to collect taxes before the value of the land has been settled? The imperial decree is a good one in intention, but not in practice, for the government can at its pleasure increase or decrease the taxation. The farming class, who are the most peaceable of men, could not see the necessity of all this haste in the change of method of collecting the land-tax, and, pressed beyond endurance, rose in arms against the government, deeming it better that the old mode should exist rather than that they should be put to such hardships as the speedy reform involved. Surely this was not the wish of Your Imperial Majesty.

The seventh evil is the method pursued by the government in equalizing the rights of the *samurai* and the common people.

The *samurai* of Japan form a class that has existed since the Middle Ages. They were controlled by feudal lords, and their spirit of patriotism, though confined to their own provinces, was noble. They possessed great virtues. They hated the idea of disgrace, they were faithful to their lords, and they interested themselves in the administration of the affairs of their respective *han*. The lord of a province and his chief advisers were restrained from acts of oppression by the watchfulness of the *samurai* of the *han*, who could compel their feudal lord to transfer his duties to another member of his house or enforce the resignation of an official. Since Your Majesty took the power of the administration into your hands, the feudal system has been abolished, and the *samurai* are no longer required. But the *samurai* still retained their rank and a certain portion of their rights, in consideration of their being superior to the common people in education and knowledge. Steps should therefore be taken to render the people, by education, the equal of the *samurai*, so that they may be able to take the same interest in the affairs of their country, and advance in happiness. This is the will of Your Imperial Majesty.

But not only are the people prevented from taking any part in the government, but the effort is made to bring the *samurai* down to the same slavish level as the lower classes. No matter how cruel or deceptive the edicts of their rulers may be, they are expected

to make no remonstrance. A great mistake has been made in endeavoring to lower the *samurai* to the level of the common people. Encouragement should have been given to the latter to raise themselves to the level of the *samurai*. Instead of this, the government has acted in a directly contrary manner. Great consideration should be given to this question. The *samurai* have always taken part in the administration of affairs of their various *han* since the commencement of feudal times; their minds have thus been familiarized with political matters, and they are not content to be deprived of all their prerogatives. Although their services may be no longer required, their minds remain unchanged. It is owing to this that nearly all the insurrections that have taken place since the restoration have been caused by the *samurai*. To raise a rebellion is undoubtedly wrong, but that the *samurai* should be driven to do so is certainly due to some mismanagement on the part of the government.

A wise man once said that as long as a man has plenty to do he is not likely to commit evil, but idleness is certain to lead to crime. The real cause of the *samurai* of Saga, Kumamoto, Hagi, and Satsuma taking up arms against the government is that they had nothing to do but brood over their grievances. This country cannot be coerced into tranquillity by means of oppression until the race of *samurai* has died out of the land. The government may exult over its conquests, but the country is weakened every time that it achieves a victory over its own people.

This is the present condition of Japan. Public opinion is in no way consulted. Efforts are made to hold both the *samurai* and the *heimin* in absolute slavery. They are granted no political rights. They have no control over their own welfare. What does His Majesty suppose is the cause of all this misery?

The eighth evil is the mismanagement of foreign affairs.

As Japan has not a constitutional form of government, the people cannot enjoy peace and happiness. Neither does a country so governed obtain its just rights from nations with whom it may be in intercourse. For such errors the people hold a government responsible. There have been four mistakes committed with regard to foreign affairs—the Formosan expedition; the Korean affair; the cession of Sagahlien; and the revision of the treaties; with all of these the honor of our country is intimately concerned, as well as the happiness of the nation. Our people knew that Korea is a country with which Japan has had intercourse from the most ancient times. Suddenly the intercourse was broken off, and when we sent an envoy thither he was befooled and all his proposals rejected. Not only were the Koreans insulting, but they threatened hostile resistance. It was proposed to send a second envoy to remonstrate against the treatment of the former one, but the government suddenly changed its views, and nothing further was done. The people when they learned this became enraged, and their feelings found vent in the rebellion of the *samurai* of Saga. No sooner was this suppressed than sudden orders were issued for a hostile expedition against Formosa. The reason for the government's undertaking this was perfectly incomprehensible to the people. What kind of race are the Formosans? They are under no king or emperor, but are ruled by some savage chief. They are cannibals, and such a set of savages are not worthy of being spoken of. Korea is different. It has an established government with which we have been on terms of friendly intercourse from times long past. How comes it that our government asked no explanation for a national insult from a country like Korea with an established government, and yet sent a hostile expedition against such a barbarous island as Formosa? The reason assigned was that the Formosans had been guilty of murdering some shipwrecked sailors from Loo-Choo. Now the nationality of the Loo-Chooans has not yet been settled, as it remains undecided whether they are subjects of Japan or China. The nationality of the Formosans was also not known, as it was uncertain whether the whole or only a part of the island of Formosa belonged to China. The expense of these expeditions was immense, but on that point we will say no more here.

We will take it for granted that Loo-Choo was supposed to be under the dominion of Japan, and that for this reason we sent the expedition to Formosa, giving rise to trouble between us and China. In order that the country might suffer no disgrace, the people took up the cause in a most zealous spirit; but the government sent an envoy to China; and on payment by the Chinese Government of the indemnity of five hundred thousand taels, all the troops were withdrawn from Formosa and sent back to Japan. Our forces, therefore, neither succeeded in acquiring Formosa, nor in proving that the sovereignty over the Loo-Choo Islands pertains to Japan and to Japan alone.

An indemnity of five hundred thousand taels, and nothing else, is not sufficient to make thirty millions of our countrymen believe that the government had accomplished any great object, or to make it clear to the eyes of the world that to obtain this was the object of the expedition.

The Kokua affair took place shortly after. Before it was certainly ascertained whether the act of firing upon the Japanese vessel of war was committed by order of the Korean Government, or only by some one opposed to the government, an envoy was dispatched, demanding an immediate explanation. Now, it is wholly inexplicable to us why the government did not demand an explanation when the Koreans openly in-



sulted our envoy and treated Japan with contempt, when it is so ready to demand reparation for a shot fired against a vessel of war, not by order of the government, but by the governor of some fort. In which was the honor of the country most concerned? Yet the government took no notice of the former case, while it was greatly exercised over the latter. An ambassador was sent, the main object of his mission being identical with that of the first envoy, the renewing of friendly and commercial intercourse. The people are perplexed to know why what was deemed wrong in the first instance should be thought right two years later.

But this is not all. It is natural to every one to resist any claims that may be made on his property, and no one who had been improperly deprived of one portion of his property would of his own free will receive for it another portion. We will proceed to expose the mismanagement of the government in the Sagahlien question.

For a long time past, Japan has neglected to give proper attention to the protection of the northern portion of her dominion. In the time of the *Bakufu*, even the children knew that Saghalien and the Kuriles belonged to Japan. But the Russians have come down below the fiftieth degree to hunt, and have commenced to devour our country.

After the restoration, when the *Kaitakushi* was established, enormous sums of money were spent in opening up the northern islands, promoting education, establishing agricultural industries and farming institutions, founding and laying out schools and towns. The nation looked forward to the portion of Saghalien which had been occupied by the Russians again becoming the property of Japan. Instead of this the whole island has been taken from us. What good, then, has the *Kaitakushi* done, and what benefit have we gained from all the money spent on a place which a treaty has taken from us?

Loo-Choo constitutes a Japanese *han*. Our troops are garrisoned there; the post-office and a branch of the *Naimusho* have been established there; but both the King and people of Loo-Choo are endeavoring to free themselves from the authority of Japan. China is endeavoring to do the same with Loo-Choo as Russia has done with Saghalien. If China succeeds, our territory will gradually decrease, and with it our power.

Let us turn to the question of the revision of foreign treaties. When the appointed time had arrived, ambassadors, with a large number of subordinate officials, numbering in all about one hundred, were sent to the various treaty powers, and returned without having accomplished any object but the spending of a vast amount of money. This caused foreigners to regard us with contempt. The Japanese people, in their rage, say that all this arose from the action of an irresponsible government.

The above eight evils that we have mentioned all arise from the despotic rule of a government which, refusing to consult the public welfare in carrying out its administration, becomes confused. This is very clear and cannot be denied. Hence it arises that the government and the people are continually opposed, and there is no single day when universal peace prevails.

Since the commencement of the Kin-Siu rebellion, the whole of the naval and military forces have been sent to the south, the treasury is exhausted, and the government is putting forth all its power to keep back the insurgents. Now, although the government should put down the rebellion, what will it benefit the people? Nothing at all. More than that; when it has suppressed this rebellion, it is likely to turn all its power against objects of its hate. Examples of this have not been wanting in ancient and modern times. Under such circumstances all men of intelligence, all those who stand up for the rights and liberties of the people, would be looked upon as its enemies, and measures be taken against them accordingly. Thus the government would become the same as the Tokugawa administration previous to its final dissolution.

When the *Bakufu* interfered with the rights of the people, the latter grew more and more determined, and though one might fail in his endeavor to oppose the government, others arose, and so after much blood had been shed the present administration was established.

If a *betto* in riding a horse pulls too hard upon the bit, in order to escape from the pain the animal will commence to kick and bite. Does not this apply to the treatment of mankind?

Suppose that the nation were to bring forward the five oaths of Your Imperial Majesty, and Your Majesty's decree for the establishment of a constitutional form of government, and demand the government to give an explanation why it had not acted in accordance therewith, how could they answer, or what excuse would avail Your Majesty before the gods?

Suppose that at the present time a foreign power were to declare war against the country, what could Your Majesty do? It is such considerations that cause us the deepest anxiety.

By this our memorial Your Imperial Majesty will be able to judge which of the acts of Your Majesty and of Your Majesty's ministers are right and which are wrong. The ministry acts as though it were not in the least degree responsible for any acts done in Your Majesty's name. Should ruin fall upon our country in consequence of such acts, the members of the ministry can only be degraded, while all the blame will be

imputed to Your Majesty, and the people will be called upon to undergo terrible hardships.

Nothing could more tend to the well-being of the country than for Your Majesty to put an end to all despotic and oppressive measures and to consult public opinion in the conduct of the government. To this end a representative assembly should be established, so that the government may become constitutional in form. The people would then become more interested and zealous in looking after the affairs of the country, public opinion will find expression, and despotism and confusion cease. The nation would advance in civilization; wealth would accumulate in the country; troubles from within and contempt from without would cease, and the happiness of Your Imperial Majesty and of Your Majesty's subjects will be secured.

Your Imperial Majesty's oaths at the time of your ascent to the throne and the imperial edict of the 14th April, 1874, prove that it is the wish of Your Majesty that the people should have a voice in the administration and that a constitutional form of government should be established. The people rejoice greatly at learning that such is Your Imperial Majesty's wish.

We hope that Your Imperial Majesty will not be led astray by the words of others, but approve of this our memorial, in acting in accordance with which happiness may be secured to Japan.

KATAOKA KENKICHI,  
*Representative of the Risshisha. Kochi Ken (Tosa).*

JUNE, 1877.

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## LIBERIA.

No. 205.

*Mr. Turner to Mr. Evarts.*

No. 261.]

LEGATION OF THE UNITED STATES,

*Monrovia, Liberia, June 7, 1877. (Received July 23.)*

SIR: From the slowness and uncertainty with which election-returns and, indeed, reports of every nature involving the use of figures, are made, there are few things in Liberia requiring greater exercise of patience. There being no horses or other beasts of burden in Liberia (and if such animals were here the country possesses no roads except the mere "trail" or "bridle-paths" worn by the foot-travel of native Africans), it is necessary to convey the internal mails, through which election-returns must reach the capital, by men who travel on foot. The above fact is offered in explanation of my seeming delay in reporting to the Department the regular biennial election for President and Vice-President and members of the Legislature of Liberia. The Presidential election was held throughout the republic on the first Tuesday in May, the day fixed for that purpose by the constitution of Liberia. The gentlemen who had the distinction of being candidates for the Presidency are the same two gentlemen who were the nominees for that post of high trust at the Presidential election held in May, A. D. 1875, viz, his excellency James S. Payne, President of Liberia, and the honorable Anthony W. Gardner, ex-vice-president, the only person now living of those who had the honor of signing the declaration of independence of Liberia. My dispatch of date the 30th May, 1875, and numbered 168, treats in part of the distinguished candidates for the Presidency of the republic; and as I should not engage the attention of the Department unnecessarily, I will not write now of their individual qualities.

At this writing the returns have reached Monrovia from every district of the country; and the election of Mr. Gardner to the Presidency is, agreeably with what I have been able to learn, conceded by President Payne and by the political supporters of that gentleman. The principal significance which this result of the Presidential election will probably

have is doubtless couched in the circumstance that Mr. Gardner was regarded in the campaign as the champion of those prejudices and laws in Liberia which in many instances tend to exclude foreign residents from the enjoyment of privileges which would seem essential to their comfort and contentment in the country, and in others to confine the business transactions of such persons absolutely to the designated "ports of entry" situated immediately upon the sea-coast. No doubt the Department is informed, through my former dispatches, that the administration of President Payne has shown inclination to construe such laws as bear upon the interests of foreigners resident in Liberia as liberally as the text thereof and public opinion would allow. By that course the present administration has fallen into outspoken and pronounced disfavor with a large majority of the citizens of Liberia. The Legislature of 1875-'76 submitted to be voted upon by the people at the election of which I write certain propositions to amend the constitution, with the view to abrogate in favor of foreigners certain exclusive and restrictive provisions of that instrument. This proposal to amend the constitution of Liberia was so unpopular as to meet with the almost unanimous opposition of the voters, and there were polled in all the republic in favor of the adoption of the amendments to the constitution only twenty-nine votes. The defeat of President Payne is said to be the most overwhelming of any gentleman who was heretofore a candidate for the Presidency. It is thought that the friends of Mr. Gardner will, on a two-thirds vote, compose a majority of the next Legislature. I have been at some pains to collect the figures from which to prepare the accompanying table, marked Inclosure No. 1, showing the vote for President and Vice-President in the elections held May, 1875, and May, 1877. It would seem from the circumstances and results of this election that this spirit of unfriendliness toward the interests of foreigners is in some sense fixed. Owing to the general absence of schools and a well-conducted press (there is not one newspaper published in Liberia), the political affairs of this country are perhaps too completely at the mercy of a few men, whose designs, whether for the weal or for the woe of their country, are not easily interrupted. It is for the best interests of Liberia to be sincerely hoped that the few patriots who advocate the extension of equitable privileges and rights to foreigners who may resort to Liberia for the investment of their capital may succeed in that advocacy. I am of opinion that the legislation of Lyeurgus interdicting the importation of gold and the other precious metals into Sparta could not have operated more effectually upon the Spartans than tends this spirit of unfriendliness to excite the timidity of foreign capitalists engaged in agricultural or commercial pursuits in Liberia.

I have, &c.,

J. MILTON TURNER.

No. 206.

*Mr. Turner to Mr. Evarts.*

No. 273.] LEGATION OF THE UNITED STATES,  
*Monrovia, Liberia, September 3, 1877. (Received October 23.)*

SIR: I have read in the New York Semi-weekly Evening Post of the 17th July this paragraph, viz :

The promoters of a Liberian emigration scheme in Charleston assert that they have enrolled the names of two thousand five hundred colored persons in that city, and thirty thousand in the State, who consent to emigrate.

And in the New York paper *Le Messager Franco-Américain*, of Tuesday, 17 July, 1877, viz:

Il paraît que les Sud-Caroliniens ne voient pas avec plaisir cette entreprise d'émigration nègre.

[Translation.]

It seems that the South Carolinians do not view with pleasure this enterprise of negro emigration.

I found also in the Washington National Republican, July 20, the following, viz:

\* \* \* Nevertheless some families did go, but from the report which they sent back they found Liberia anything but an El Dorado. A few of them wrote urgent appeals to their friends at home to assist them to return, and by means of subscriptions so obtained managed to make their way back. \* \* \*

The reasons which have influenced me to omit in my correspondence to notice the scheme for the emigration to Liberia of negro citizens of the United States, as propagated by the organizations in the United States known as the American Colonization Society, &c., are manifold; the principal one of which is, no doubt, obvious to the Department. But as the determined agitation of the agents of those associations appears of late to attract the attention of a class of Americans whose ignorance of all the real facts in the case leaves them exposed to *ex parte* statements, which, in many instances, may induce them to leave homes and situations in life where they enjoy, at least, comparative comfort, and are able at the same time to supply an important demand for labor, only to experience disappointment in a foreign land, without hope, in nine cases in ten, of even being able to acquire the means to return to their homes, it now suggests itself as my duty to give only a very few of the more cogent reasons why I cannot advise or encourage the emigration by subscription of negro citizens of the United States to Liberia.

American philanthropists, influenced by the belief that they are assisting the elevation and well-being of an unfortunate class, and at the same time aiding the evangelization and civilization of Africa, contribute of their means to support a scheme which is not alone impolitic, but, in a majority of instances, absolutely injurious in results. It is far from my purpose to condemn or cause to be misunderstood the well-meaning intentions of persons who merely contribute their money to be used by others in this enterprise to colonize the American negro in Africa. This entire enterprise is kept alive in the United States by a few active agents of those societies who represent, usually, to the more inexperienced of the class they desire to operate upon as emigrants, only what is of a nature best adapted to deceive the unwary into the belief that the abundant wealth which nature has lavished upon Africa is not locked securely within the environs of these deadly climatic influences. These agents speak the truth when they represent that emigrants will find the soil fertile; that constant summer prevails; that there are mineral wealth, beautiful landscapes, luxurious vegetation, tropical fruits of every description, &c. But they should add that the most primitive agricultural appliances are used for tilling this fertile soil, such as cutlasses, hoes, bill-hooks, &c. Such a thing as a plow is not to be found in use in Liberia. It has been demonstrated that neither horses, mules, nor donkeys can withstand the climate on the sea-coast. Horses are found in the interior, but, when brought to the coast, they sicken and die. Although constant summer prevails, as to temperature, the miasmatic influence, caused by the heavy rain alternating with hot sunsiine, causes sickness during six months of the year, and, during the

remaining six months of the year the power\* of the sun is such that it is almost impossible for any one except a native to work, as it produces inertia, lassitude, want of energy. Indeed, after a man has once had the fever, he never, in Africa, regains the energy he was possessed of before. Only a very few of the most robust constitutions ever regain, after leaving the climate, their former physical status. It is impossible to direct the sight anywhere without its resting upon the "beautiful landscapes," and upon hills and dales covered with virgin forests, the sea and rivers margined with that "luxuriant vegetation" always peculiar to the deadly mangrove-swamps. It is true there is mineral wealth, but the procuring of this wealth is more than counterbalanced by the sacrifice and difficulty necessary for a people poor in the knowledge of the economy of government, and poor as well in individual competence. Rich as the country is naturally, Liberia has never been independent to loose herself from other countries enough to produce food sufficient for her daily home consumption. Although a rice-growing land, rice is imported from England and other countries and sold at \$4 per bushel, when better rice can be grown and sold at half the price. Rice is the principal breadstuff. I have never seen flour of a less price than \$14 per barrel; butter, at \$1 per pound; hams, from \$5 to \$8 each; other provisions proportionably high. In the face of these facts the American emigrant has to compete with the native for labor. The native is strong and hardy, with a very few wants, and able, at fifty cents per day, to perform the labor usually assigned to horses in other countries.

When these agents, by reason of such *ex parte* representations, have succeeded, first, in producing discontent, thereby inducing these unsuspecting persons to quit homes and surroundings, already known and possessed, and to migrate across an ocean to a land unknown to themselves and the world, impossible hopes are afterward raised, superinduced by these distorted statements of empire and national greatness. They are left, at the expiration of six months of (so-called) support, without money or any means of livelihood, with little, if any, communication with their former friends and homes, without knowledge of the customs and nature of the country to which they have come, suffering from the despair and discouragement occasioned by the acclimation fever, and, alas! in too many cases, mourning the loss of perhaps their entire families, save the one thus left a mourner; such are only anxious to return from whence they came. I may here remark, I have never known of the departure of a vessel to America, without receiving, frequently, a dozen applications to be sent back. Under the law I am powerless to help them. If, perchance, the children of a family survive, as is frequently the case, the guardians are alarmed when they discover that they have left a country where a public-school system prevails for one where their children will be deprived of this benefit. Thus, confronted on every hand by discouraging circumstances, the emigrant naturally turns to the agent in the United States, whose representations led to this condition of things. I have been sorry before now to believe that the agent loses much of his zealous interest in the emigrant with the conclusion of the contract for the provisions for the support of the emigrant for six months. The agent generally replies, with the gratuitous advice to the emigrant to push his way as far to the interior of Africa as possible and there settle.

Travelers to the interior of Africa agree that some distance interior-

\* The mean temperature is about 85°; but, on account of the dampness of the climate, the heat is sultry, depressing, weakening.

ward from the sea-coast we may reach healthier localities. But when we reflect that there are no roads, only foot-paths cut by the natives, and the only means of transporting their goods is on the heads or backs of native carriers, we are not surprised to find that after so long a time as sixty years, the emigrant has not penetrated the interior more than four or five hours' travel, especially considering that the forests are almost impregnable, being matted together with a thick undergrowth of vines. The facts show that these poor people cannot go to the "high hills and undulating plains" said to be in the interior of Africa, without means to provide themselves with roads, and without treaties of commerce and friendship with the numerous petty kings, who are, in many instances, either openly or covertly hostile. It would frequently be necessary to enforce these treaties by means of an armed force, as England and all European powers who have colonies find from experience, as witness the recent difficult march of the English upon Coomassie, and the capture and execution of four or five African kings by the colonial government of Sierra Leone for obstructing the roads.

It is worthy of observation that even the majority of those powers have not been able to conquer the dense obstructions, which lie on the way to the interior of Africa, but comparatively short distances. And I would also remark that the theory that the negro of America, after three centuries of absence from Africa, the long weary years of which were not altogether devoted to training him in the things which pertain to the higher walks of knowledge, is better prepared than other foreigners, physically or otherwise, to carry civilization to this unfortunate people, is in my opinion and experience as fallacious as it is unreasonable. In fine, my experience has been that when the American negro is brought face to face in contact with this work, he is, for all practical purposes, as much a foreigner as any other people, and can only extend to the barbarous African the same philanthropic sympathy. It is not to be wondered at that when the emigrant is met by the unexpected obstructions referred to, his interest and ardor to realize the dream of evangelizing, civilizing, and colonizing Africa, himself being the immediate means, often changes into the desire to return to his home. After sixty years we find that those who have remained with praiseworthy determination, if possible, to conquer these obstructions, have not assimilated a single tribe of native Africans, but have caused the extinction as such of perhaps as many of the aborigines. Instead, the continual cry is for "more, more" from America to come, and, I suppose, do as they have done toward the grand consummation—nothing. Without a census in the country it is easy to observe that our mortality is greater than our increase from all sources; our children born in the country are weaker, therefore, more short-lived, than their parents, and our need to-day is more men. Would it not be reasonable to suppose that after another sixty years, the number supplied being equal, the want of Liberia will then, as now, be "more men"? Now, seeing that the result of these trying experiences is not the furtherance of the object aimed at, does it not seem advisable that philanthropy should be discouraged rather than promoted in this mistaken direction? None would have American benevolence discontinue the effort to make "sunshine in the shady places" of this republic, nor cease seeking to mitigate the wants of the unfortunate children of Africa; on the contrary, would it not seem time for that benevolence to show increased effort in the development of Africa's vast resources, and that this effort should not only be increased, but take to itself an interest in Africa as broad as charity, kind as sympathy, and as comprehensive as the work is ex-

tensive and just. Neither is it intended to disparage the Spartan-like patriotism and stoic indifference to suffering, put forth so persistently by the first settlers of Liberia. They gained a foothold upon the shores of this country by persuasion when possible and by conquest when necessary. When taken comparatively, the policy employed by the English and other Europeans seems productive of as great, if not greater results than the plan adopted by Americans. They seem to realize the necessity of supplying light from without Africa; but at this point their policy appears to diverge from the plan of Americans, inasmuch as they intrust the continuation, indeed the completion, of the work to the indigenous inhabitant himself. At first it was their policy to take from the tribes the children of greatest intellectual promise and place them in the universities of Europe that they might become qualified to train their fellow-countrymen. It was discovered that this method furnished the pupil with ideas of civilization ill adapted to the purpose for which he was destined. Then the English adopted the plan of the Fourah Bay College, of Sierra Leone, where the student may acquire that kind of education necessary without leaving Africa. The result of this and other efforts in like direction is the production of men suitable for the work. For example, from schools thus established hundreds of young Africans with common training are graduated every year. It is pleasant to notice that Bishop Crowther,\* of the Church of England, takes to the new field of labor which he has opened on the Niger many young men and women from these schools, who in their turn become co-laborers for the elevation of their people. The students from these schools may be found in all the professions, in commerce, and in all the several vocations of life. Africa is their home, and for them the climate possesses beauties, where others find only terror and premature death.

It does seem that the mission of Liberia is to form the nucleus about which to culminate the very tractable tribes residing upon their territory. Since the want of Liberia at the present time is men, would it not be a better economy to expend the moneys now being used for the migration of the class of emigrants described, in the establishment of manual-labor schools which would supply the class of men needed in the country, free from all the drawbacks consequent upon emigrating from America?

We have at our very doors, only forty miles from Monrovia, at Cape Mount, the Vei tribe, with perfect physical organization, and with an inventive genius which has won for them the reputation of being the only tribe known on this coast to have invented an alphabet, by means of which they were found in communication with the interior. Their language has been reduced to grammar. This tribe desires to learn. Often when any of them were employed about this legation they would require in payment pens, ink, and paper; not, as the other nations, gin, rum, tobacco, cloth, &c.

After examining their traditions we find that this tribe has absorbed others, and that the Vei language is more extensive than that of any of the neighboring tribes. Vei is spoken by more of the surrounding aborigines than any other language. Therefore, I think this tribe the best vehicle for the propagation of civilization to the interior tribes of Africa.

One-half of the cost of colonizing the 30,000 emigrants (if that were possible) would, within a very short space of time, prepare as many men from this people who are exactly suited to the kind of work required. And I may add that if Christian philanthropists loiter much longer in manipulating this chiliahedronic idea into shape, the Mandingoes, who,

\* Native African.

as Mohammedans, are indefatigable missionaries, will probably very soon disseminate the dogmas of their religion among this desirable people, and thus place their evangelization at least another half century farther in the future. This is evident when it is considered that the Mandingo teaches his religion at the same time he pushes forward his commerce; with him the two go hand in hand. The Mandingoes and Veis are in intimate communication, and this intimacy grows daily *pari passu* with their commerce.

Momorah, a Mandingo chief, from the interior, with a caravan of trade, usually to Sierra Leone, is often visiting this legation. He is a man noble in his deportment, six feet in height, as all his tribe are, athletic and well proportioned, with straight features, having none of the characteristics usually ascribed to the African; intellectual, speaking English, French, German, and Portuguese, from contact with the people of those colonies, where he has been accustomed to trade. He also reads Arabic from the religious training peculiar to his people, and Vei, acquired during his intimacy with that tribe. What I have ascribed to Prince Mamorah is true of many of his tribe. It is impossible to look upon this perfect type of manly physique and intellectual strength without being impressed by the superiority of the material of which his tribe is composed. They are the men of conquest in Africa, the commercial races dwelling far in the interior, making pilgrimages to Mecca across the continent, and whose treaty of friendship and whose passport over the domains of hostile tribes who dwell between their home and the sea-board are the Koran and the sword.

Speaking to this man of commerce, of the Koran, and of the sword, upon the subject upon which I am writing, his evident disposition to commiserate rather than admire the American negro as he sees him here, convinces me that it will be long before the abnormal can mold the normal man. His language forces upon me the recollection that human slavery is as old as human conquest; that it was the custom of the victor to enthrall the vanquished, and that many are slow to value the fact that human slavery was not the crucible to refine and enoble human nature and outfit it for grand undertakings.

While my object is not to encourage the persuasion of citizens of the United States to exchange their homes and country for Liberia, neither is it desired to dissuade any from coming to Liberia who may wish to do so. It is merely desired to present the facts and difficulties attendant upon such a course, with a view that none, if possible, may emigrate without full knowledge of the probable result. And I may add, that a fact generally recognized by many thoughtful and prominent Liberians, and one in which I thoroughly acquiesce, is that men of any consequence to the wants of Liberia are able to pay their own expense of travel, and if desirous to come, would be willing and would prefer to do so.

Whether Liberia succeeds or fails, she cannot be accepted as a fair test of the negro's capacity or incapacity for self-government.

This dispatch has exceeded the length intended. There are many things of interest which might be mentioned on a subject so important, but I must not occupy the time of the Department unnecessarily; hence, I have avoided any allusion to the condition of the Government of Liberia—as to the security or insecurity of life and property; whether or not crime can be committed with impunity; whether the financial system employed is potent or impotent, &c.

Upon such topics the government is doubtless already informed through my previous correspondence.

I have, &c.,

J. MILTON TURNER.



## 'MEXICO.

No. 207.

*Mr. Foster to Mr. Fish.*

No. 457.]

LEGATION OF THE UNITED STATES,  
*Mexico, November 11, 1876. (Received November 28.)*

SIR: During the past two weeks the political condition of the country has assumed a more serious aspect than at any time since the revolution now in progress began, in January last. Mr. Richardson in legation dispatch No. 453, of October 28, gave information of the extension by Congress of the "extraordinary faculties" which have been exercised by the President, embracing a suspension of individual guarantees, and of the freedom of the press; and also of the declaration by the Chamber of Deputies of the re-election of the President and its promulgation by solemn and public proclamation; and he also alluded to the reported action of the president of the supreme court, the Hon. José M. Iglesias, in opposition to the decree of the Chamber of Deputies.

Repeated references have been made in previous dispatches to the differences existing between the supreme court and the two other departments of the federal power; also to the opposition manifested to the re-election of Mr. Lerdo as President; and latterly to the validity of the elections held in June and July last.

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For some time past it has been apparent that a new or fresh outbreak would occur upon either the declaration of the re-election of Mr. Lerdo, or when he should enter upon the second term of the Presidency. As has been heretofore stated, a number of the leading men of the country, who composed in part the special circle or party of Mr. Lerdo's first candidacy for President, announced themselves at an early day as opposed to his re-election, upon the ground that the principle of non-re-election was one of the main planks of the platform of his party, when he was mentioned as a candidate against Mr. Juarez, and that he was committed against a second term. It was also charged that his partisans were determined to secure his re-election through the suppression of the popular suffrage; that in the revolutionary state of the country and the temper of the people no fair election could be held, and that it would be only a mockery of the public will. When the elections were held the opposition almost unanimously abstained from voting, and on all sides the opponents of the President proclaimed that the elections were invalid, or rather that there had in fact been no election.

As advised in dispatch No. 453, of the 28th ultimo, the Chamber of Deputies on the 26th ultimo adopted the report of the examining committee (on elections), which declares that Mr. Lerdo had been legally re-elected President of the republic, and that two magistrates, and an attorney-general of the supreme court (partisans of Mr. Lerdo) had at the same election been chosen.

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The report of the committee was followed by the presentation to the chamber of a protest on the part of the minority of deputies. It will be seen that the minority decline to discuss the report on the ground that the government organ, on being questioned, failed to give assurances

that freedom of discussion would be respected, and that they would not be arrested under the recent act suspending the individual guarantees. They, however, it will be seen, call in question some of the essential facts stated by the committee; declare that fifteen States are actually or virtually under martial law; that the people did not participate in the election; that the returns in the hands of the committee are fraudulent or falsified in the results stated; and that the general voice of the nation is that there was no election.

On the day following the passage of the decree by the Chamber of Deputies, declaring the result of the elections, the 27th ultimo, the Hon. José M. Iglesias, president of the federal supreme court and *ex officio* Vice-President of the republic, sent to that court a communication announcing that, having the conviction that there were no elections in June and July; that the members of that court declared elected had no legal right to act as such; that he could not, by his presence, become an accomplice in such an outrage on the institutions of the country, and that he would not attend the sessions of the court. At the same time the solicitor and attorney-general *ad interim* submitted to the court a petition asking that that body protest (1st) against the decree declaring Mr. Lerdo legally re-elected; (2d) that it refuse to recognize the newly-elected members of the court; and (3d) that it suspend its functions until the observance of the constitution is re-established.

A protest was also presented to the court by the Hon. Emilio Velasco, a lawyer of ability and a citizen of high standing, against the recognition of the decree of the Chamber of Deputies by the supreme court.

These papers were followed by a lengthy discussion by the members of the court, an abstract of which is inclosed herewith. The first two propositions were rejected by the court by a vote of six magistrates against five, including among the last the attorney-general; and the third proposition was rejected by a vote of seven against four. This result was quite unexpected, as the opposition had been led to believe that the majority of the supreme court would declare against the legality of the elections. They claim, however, that such would have been the result but for the recent unlimited powers conferred upon the President, on account of which they insist that the members of the supreme court would not be granted freedom from arbitrary arrest and imprisonment, for which reason Mr. Iglesias and two other members of the court absented themselves from the session. In confirmation of which they point to the fact that three of the members of the court were on the day following arrested by order of the President and placed in close confinement, and that the others only avoided that fate by escaping from the city.

Immediately after the arrest of the members of the court, the Executive reported this fact to the Chamber of Deputies, and that body at once voted articles of impeachment against those arrested, as also against Mr. Iglesias and the other members who had voted to sustain the three propositions of the solicitor. The action of the chamber is, I am informed (as no official publication has been made of the act), based upon a law which was passed in May of last year, in a season of great excitement, and which was intended to take from the judiciary, both federal and state, all right or jurisdiction to pass upon the electoral acts of Congress or other electoral bodies, making the latter the sole judges and the authority of last resort.

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As there stated Mr. Iglesias regarded it as such a direct assault upon

the supreme court, and as so plainly unconstitutional, and subversive of the judicial power, that he at that time tendered his resignation, but was induced to withdraw it and content himself with making his protest in the supreme court against it.

On the 28th ultimo the decree proclaiming the election was officially published, and on the same day Mr. Iglesias, having privately left the capital, caused to be circulated a manifesto addressed to the nation in which he by virtue of the seventy-ninth article of the constitution (providing for the temporary occupancy of the Presidency by the president of the supreme court in the event of the vacancy of the former office), announced that the Chamber of Deputies and President Lerdo had destroyed all their rights and titles to legitimate authority on account of the passage and promulgation of the decree as to the elections, and that provisionally he would assume the Presidency of the republic.

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On the 30th of October the legislature and governor of the State of Guanajuato passed and published a decree rejecting and disowning President Lerdo, and recognizing Mr. Iglesias as the constitutional and provisional President of the republic, and on the day following Mr. Iglesias was received in the city of Guanajuato by the State authorities, the event being attended by popular demonstrations of approval.

Upon proclaiming the assumption of the duties of provisional or *ad interim* President, Mr. Iglesias organized in part his cabinet of ministers, and issued a second document, which he terms his "programme of government," in which he indicates the course which he will follow and the principles which will govern his temporary administration. The first part of his programme announces that he will only hold the office until a President can legally and fairly be elected by a free and unrestrained expression of the popular will; and that neither he nor any of his ministers will be candidates for the office, nor shall there be any official candidature, or any interference whatever on the part of federal officials to influence the popular suffrage. He announces, as the important measure of his administration, the endeavor to secure the adoption by the legal and prescribed methods of an amendment to the federal constitution prohibiting re-election to the Presidency; and after explaining in detail the other measures which he will favor, he closes with an epitome of the whole. His recommendation as to the adoption of a constitutional amendment prohibiting re-election to the Presidency is claimed by the opponents of Mr. Lerdo as the great measure of reform which is imperatively needed to pacify the country, and prevent a repetition of the present disorders at the approach of every Presidential election. They point to the history of the Mexican and all the other Spanish American republics in support of their position, asserting that the great majority of the revolutions and disorders in these countries have had their origin in the efforts of reigning Presidents to extend the first or legal period of their power.

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The effect of these acts has been very marked, both on the general public and on the military situation of the country. The movement of General Porfirio Diaz, in its inception and progress, has not met with the hearty approval of any very large or respectable body of the public men of the country, as it was generally regarded by them as unwarranted at the time of its inauguration, and as a political enterprise of professional revolutionists. It must, however, be conceded that Mr. Iglesias and the greater portion of the public men who support him, have been dis-

tinguished for their attachment to constitutional government and order and respect for law, and are sincerely the friends of republican institutions. However much Mr. Iglesias's present course is condemned and lamented, he is generally credited with honest and patriotic convictions, freedom from the suspicion of ambitious designs and any intention to use his attempted provisional assumption of the Presidency to continue in that position.

Such being the case, his course has had the effect to greatly strengthen the revolutionary spirit in all parts of the country. There has been no official announcement of an arrangement or understanding between the party of Mr. Iglesias and that of General Diaz, but it is rumored that the latter has given his adhesion to Mr. Iglesias. However this may be, the task of the government of Mr. Lerdo in suppressing the revolution has increased twofold. General Diaz was, at last advices, still in the State of Puebla with a considerable force, confronting the main army of the government. The State of Guanajuato, one of the most powerful in the republic, has an armed and organized state guard variously estimated at from three to five thousand, which has been placed at the orders of Mr. Iglesias's minister of war. To meet and subdue this force, and scatter the gathering government of Iglesias, the detachments of the federal army in the central or interior states have been ordered to concentrate and march upon Guanajuato.

Meanwhile, a large force of revolutionists has occupied Apizaco, at the junction of the Puebla branch with the main line of railroad from this city to Vera Cruz, thus cutting off the capital from Vera Cruz, stopping all railroad communication whatever, and isolating the main federal army. The strategetic importance of this position is doubtless felt by the government, and it is reported that a movement is now on foot to repossess this point and the line of railroad. The concentration of forces for this purpose has made it necessary to both weaken the garrison in this city and draw in all detachments in the vicinity of this valley, which has exposed all the neighboring towns to the incursions of bands of revolutionists, and they have even approached very near to the city gates.

These occurrences and the evident danger in which the government of Mr. Lerdo is placed, have caused wide-spread alarm in the capital, and a general fear that an uprising of the lower classes of malcontents may occur, endangering public order, and security to property.

But in the midst of the prevailing distrust and alarm, President Lerdo and the federal authorities appear calm and determined to continue in the exercise of what they insist is the constitutional and legal administration of the government; and they claim confidence in its ability to finally triumph over the united enemy. They insist that the elections have in all respects been in conformity to law, and with the full freedom of the electors; that Mr. Lerdo has been by the popular voice chosen to the presidency for another term; that to yield in the least degree to the revolutionary spirit is to abandon all hope of constitutional government for Mexico; and that the peace and future prosperity of the country can be secured solely by the maintenance of the present administration.

As I close this dispatch, rumors are in circulation as to military events of importance, but they are not sufficiently confirmed to be noticed.

I am, &c.,

JOHN W. FOSTER.

No. 208.

*Mr. Foster to Mr. Fish.*

No. 459.]

LEGATION OF THE UNITED STATES,  
*Mexico, November 17, 1876. (Received December 14.)*

SIR: Under date of the 11th instant, in my No. 457, I gave an account of events preceding and attending the action of the Hon. José M. Iglesias, president of the supreme court and *ex officio* Vice-President of the republic, in pronouncing against the legality of the government of President Lerdo, and his movement to establish a provisional and opposition government at Guanajuato.

These events created quite a panic in this city, and for a time it was generally believed that the government of Mr. Lerdo would have to succumb, at an early day, before the new movement. The situation appeared so threatening that there is reason to believe that certain members of the cabinet of the administration seriously contemplated the contingency of the abandonment of the capital.

But the condition of affairs has very much improved for the government during the past few days, and a greater degree of confidence prevails as to its ability to maintain itself. The movement of Mr. Iglesias has not been seconded by any of the States except Guanajuato and Querétaro, and thus far comparatively few of the officers or soldiers of the federal army have proven unfaithful. The revolutionists who had occupied the important railroad point of Apizaco, at the approach of a government force abandoned the place without any resistance and withdrew to the mountains. Querétaro, which had been occupied by the Iglesias forces, has also been abandoned under similar circumstances. An important engagement is daily anticipated between the government and Iglesias's forces, the result of which may materially change the present aspect of affairs. But, under any circumstances, an early termination of the present unfortunate struggle can hardly be anticipated. Even should Mr. Lerdo be driven from the seat of government by the unfavorable result of military movements, which is hardly to be expected, neither he nor his friends will be likely to abandon the struggle, as it is insisted by them that he only represents the legitimate government of the country, and that he cannot consistently and with honor retire from his post, or omit any possible effort to continue the constitutional order of the government.

No public or authorized announcement has been made as to an arrangement between Diaz and Iglesias, the leaders of the two separate revolutionary movements, although it is claimed that such is the case, which is quite probable. Such an arrangement will most likely contain a provision for the recognition of Iglesias as the provisional president and Diaz as the military leader of the revolution, the result of which would lead, in the event of the triumph of the movement, to Diaz's ultimate succession to the presidency, and the complete control of the government by his adherents.

Communication with Vera Cruz by railroad continues suspended, and the mails are slow and unsafe. I therefore send this, as the former dispatch, by private messenger.

I am, &amp;c.,

JOHN W. FOSTER.

No. 209.

*Mr. Foster to Mr. Fish.*

No. 462.]

LEGATION OF THE UNITED STATES,  
*Mexico, November 28, 1876. (Received December 14.)*

SIR: The news of the defeat of the federal forces under General Alatorre on the 16th, by General Diaz, the revolutionary leader, as communicated in my dispatch No. 460, was fully confirmed in this city on the 18th instant. In the secret session of Congress held in the afternoon of that day, the secretary of war acknowledged the reverse, but at the same time stated that the government had sufficient resources at its command to resist and still defeat the revolutionary movement; that only a portion of the "army of the East" (General Alatorre's command) had been engaged in the late battle; that five thousand troops were being concentrated in Puebla, and an equal number in this city; that considerable forces were in the State of Vera Cruz at Orizaba, the city of Vera Cruz, and elsewhere; that a formidable army was being concentrated in the interior to frustrate the Iglesias movement in Guanajuato; and that there was no cause to despair of the final triumph of the constitutional government.

No official or reliable reports have as yet been published of the battle on the 16th, at Tecuac, between Generals Alatorre and Diaz. The federal forces numbered less than three thousand, and those of the revolutionists are said to have exceeded double that number. The killed have been variously reported at from two hundred and fifty to more than two thousand; but the former number is probably not far from the facts. General Diaz reports the capture of over fifteen hundred prisoners; and it is evident that Alatorre's army was pretty nearly destroyed, except a detachment of cavalry with which the commander escaped to Puebla.

On the 18th instant, as one of the effects of the battle of Tecuac, the garrison of Puebla "pronounced" in favor of the revolution, and the governor of the State and a number of federal officers took refuge in the city of Mexico. Preparations had been commenced on the 19th instant for a defense of this city by fortifying the gates and the adoption of other measures; but upon the receipt of the news, at a late hour of the day, of the defection and loss of Puebla, all these preparations were abandoned, and on the morning of the 20th it became evident that no defense would be made. Early in the day it was reported that at a council of the President and his friends, held the preceding night in the national palace, it had been determined that further resistance in this city to the approaching victorious army would be useless. The rumor was generally circulated that Mr. Lerdo intended to send in to Congress his resignation of the office of President, and that that body would then in accordance with the constitutional provision in case of a vacancy, recognize Mr. Iglesias, the president of the supreme court, as provisional president of the republic. But on the assembling of the Chamber of Deputies at four o'clock, on the 20th instant, General Escobedo, the minister of war, presented himself in the name and on behalf of the President, and stated that the council of ministers had decided that it was the duty of the President to maintain to the utmost the standard of legitimate and constitutional government, and that following the example of Juarez, if forced to leave the capital, he would, if necessary, sustain it in the remotest corner of the republic.

During the day great excitement and wild rumors prevailed throughout the city, and it became apparent that the President and his friends were making preparations to abandon the capital. The day and night

passed without any disturbance of the peace, and on the morning of the 21st instant it was announced that Mr. Lerdo, accompanied by the ministers of foreign affairs, of war, of government, and finance, had left the city about two o'clock in the morning. He was also accompanied by several senators and deputies of Congress, the governor of the federal district, and a number of personal and political friends, and was escorted by a force of about one thousand cavalry, taking the road leading to Toluca, the capital of the State of Mexico, sixteen leagues to the west of this city. The garrison of the capital, numbering probably over one thousand men, remained in the city under the commander. Immediately upon the departure of Mr. Lerdo, the government of the city was assumed by a person named in advance as provisional governor by General Diaz. The municipal police, and guards, and the federal garrison at once acknowledged his authority, and civil affairs went on as usual, without any apparent break or disturbance in government.

A commission was sent early on the morning of the 21st to notify General Diaz of the abandonment of the city by Mr. Lerdo and his government, and ask him to come at once and occupy the capital. But the general had not anticipated so sudden an abandonment by Mr. Lerdo's government, and had gone to Puebla to reorganize his army, preparatory to marching in force upon the city. As soon, however, as he received intelligence of events, he left his command and came to this city with an escort only, but did not make his entry till late in the afternoon of the 23d, when he was received by an immense concourse of people with apparently hearty demonstrations of enthusiasm.

During the two days and a half in which the city was without any responsible government, a general feeling of insecurity and apprehension of disorder pervaded commercial and social circles, but, greatly to the credit of the inhabitants, peace and order remained undisturbed, and the various police duties and municipal administration of affairs were implicitly respected and enforced as thoroughly as under the most rigid and responsible government.

Since the occupation of the capital by General Diaz, the adjoining States of Mexico, Morelos, Hidalgo, Vera Cruz, and Puebla (before noticed), have submitted to him. He thus has possession of all the States surrounding this capital, the entire line of railroad, and the important port of Vera Cruz.

Meanwhile the forces of the Iglesias Government have been quite active, having reoccupied Querétaro, and are in uninterrupted possession of the State of Guanajuato, and also (as reported) of Aguas Calientes. News has been received that a considerable portion of the Lerdo forces which marched from Guadalajara to attack Iglesias have pronounced in his favor, and have been incorporated into his army, which now numbers about eight thousand men. It is also very probable that when the news of the abandonment of the capital by Mr. Lerdo's government shall be known, that the States of San Luis Potosi, Zacatecas, Durango, and others of the north, will acknowledge Iglesias as provisional president.

In previous dispatches I have referred to a reported agreement having been made between Mr. Iglesias and General Diaz; but it has transpired that no agreement has been effected. Commissioners had passed between the two leaders some time before Diaz's victory over Alatorre, to discuss the terms of adjustment; and just before that event, General Diaz had sent to Mr. Iglesias a proposition constituting the basis of an agreement. This proposition has been made public since the abandonment of the city by Mr. Lerdo, and I transmit here-

with a copy and translation thereof. Among other things, it proposes the repudiation of all the federal powers, and the formation of a cabinet of ministers equally representing Mr. Iglesias and General Diaz, the former to be recognized as provisional president and the latter to act as minister of war and general of the army, and in that capacity to appoint military governors of a number of designated states.

This proposition, it is reported, has been rejected by Mr. Iglesias, who, it is understood, bases his objection, not upon personal grounds, or those relating to a division of the offices, but upon broader principles of government. And this arises out of the difference in the programmes of the two leaders. In Mr. Iglesias's manifesto and programme, both of which were transmitted with my No. 457, he proposes to follow as closely as possible the constitutional precepts, departing from them only in the appeal which he makes from Congress to the people on the question of the validity of the re-election of Mr. Lerdo as President. On the other hand, General Diaz's programme is that of revolution pure and simple, claiming that it is the only method by which the government of Mr. Lerdo can be destroyed. In the plan of Tuxtepec, issued in January last, without his signature, and amended at Palo Blanco in March under his own name, General Diaz proposes to repudiate the federal powers, which would embrace not only the President, but also Congress and the supreme court, and it even provides for abolishing the Senate. As these plans have not as yet been transmitted by me, I now inclose them with translations. It will be seen that the original plan of Tuxtepec proposes, in article 8, that President Lerdo and his officials shall personally and pecuniarily be made responsible for the expenses and injuries of the war. The amended plan of Palo Blanco omits this eighth article; and it provides that the president of the supreme court, if he accepts the plan, shall be provisional president. Immediately after the publication of this plan, in April last, Mr. Iglesias rejected this proposition and all revolutionary projects so far as related to him, declaring that he would strictly observe the constitution. (See my dispatch No. 403.) Mr. Iglesias claims that Mr. Lerdo himself violated the constitution in procuring his own re-election in the manner charged, and forfeited his title to legitimacy, and by that forfeiture he (Mr. Iglesias) became provisional president under the constitution. He therefore dissents from General Diaz's plan of Tuxtepec, in that he insists that constitutionally there can be elections only for the vacant presidency. He proposes to constitute the Congress by supplying the places of the deputies, who have supported the validity of Mr. Lerdo's re-election, with the substitutes or *suplentes*, who by the Mexican constitution are elected at the same time with the principals, to fill any vacancies which may occur.

This difference between the two independent leaders of the movements against the Lerdo Government was made known immediately after the latter had left the city, and it has been the chief topic of discussion and interest since that event. Commissioners and communications have passed between General Diaz and Mr. Iglesias, but no agreement has been arrived at. Meanwhile, the friends of General Diaz, who have been the most active supporters of his cause in the field, have been very persistent in urging his adhesion to and enforcement of the plan of Tuxtepec. As indicating the popular sentiment of his followers, I inclose extracts from an editorial in *El Combate*, a revolutionary organ of this city. This feeling has been so strong that it has prevailed over the opinion of the more moderate wing of General Diaz's adherents, who have labored very earnestly for the past few days to induce him to come



to an agreement with Mr. Iglesias, and thereby unite the nation and give peace to the country.

The controversy was finally settled yesterday by the public proclamation of the plan of Tuxtepec, and the amended plan of Palo Blanco, which took place in the grand plaza in front of the governor's palace, accompanied by a military parade, salvos of artillery, ringing of church-bells, and the rejoicing of the partisans of the new government. Under his own signature, General Diaz orders the publication "as the law of the republic for the reconstruction of constitutional order." A copy of the proclamation of the governor is inclosed. I also transmit editorials from the *Monitor Republicano* and the *Federalista* of this morning, as indicating the manner in which the important act of yesterday has been received.

It is generally regarded as in effect a declaration of war against the Iglesias movement; and, as confirmatory of this view, by order of General Diaz, all communication by telegraph, mail, and by public and private travel was suspended yesterday with Querétaro, where Mr. Iglesias and the advance of his army are reported to be. The forces now in this city are said to number between twelve and fifteen thousand men.

This result of the abandonment of the capital by the Lerdo government has been contrary to the general expectation, as it was supposed that upon the fall of Mr. Lerdo the two independent movements would unite by the recognition of Mr. Iglesias as provisional president and General Diaz as minister of war and commander of the army. Such was manifestly the desire of the commercial and property interests of the country, and of the more moderate adherents of General Diaz, who embraced his most prudent advisers and those most experienced in the administration of government; but his companions in arms, his revolutionary friends, many of whom followed him through his unsuccessful insurrection of 1871-'72, and who have fought his battles in the present revolution, demanded that he should not vary from the plan of Tuxtepec, and he has yielded to them. While this course has created wild enthusiasm and great satisfaction among his partisans, it has not been favorably received by the more substantial interests of the country, as it indicates a continuance of the civil war, a prostration of all commercial and industrial enterprises, and a reign of anarchy and lawlessness.

It is not, however, to be denied that General Diaz combines in his person many qualities of the successful general, and possesses a reputation for honesty and sincerity of purpose which inspires a certain degree of confidence. The attachment of his soldiers to him is illustrated in what I have stated above as to their course in insisting that he should adhere to his own plan, which makes him practically the dictator of the nation, and their objection to yielding the provisional presidency to Mr. Iglesias. The confidence which his honesty and sincerity inspire, coupled with a belief in his ability to maintain his present position, was illustrated in a conference which he held yesterday with a number of capitalists of the city, who responded forthwith to his application for a temporary loan of \$500,000. It is furnished at the rate of 1 per cent. interest per month, and to be repaid in installments, commencing on the 15th of March next.

Mr. Lerdo, his ministers, and official and personal friends, after leaving this city, passed through Toluca, and at last advices were marching in the direction of Moralia, the capital of Michoacan, from which city his friends anticipate that he will issue some kind of a manifesto to the nation, indicating the course which he will pursue.

In view of the uncertainty of communication with Vera Cruz during the past ten days, I forward the duplicates of Nos. 459 and 460 by this mail.

I am, &c.,

JOHN W. FOSTER.

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No. 210.

*Mr. Foster to Mr. Fish.*

No. 465.]

LEGATION OF THE UNITED STATES,  
*Mexico, November 28, 1876. (Received December 14.)*

SIR: At a meeting of merchants and capitalists called at the national palace this morning to arrange for a loan of \$500,000 to the government of General Porfirio Diaz, in agreeing upon the terms of repayment by the government, General Diaz is reported to have stated that the first payment could not be made before the 15th of March next, as the government had to make a payment of \$300,000 to the United States in January next, which must have preference.

This will, doubtless, be of interest, as indicating the intentions of the government now in possession of the capital in regard to the award of the Mixed Claims Commission.

I am, &c.,

JOHN W. FOSTER.

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No. 211.

*Mr. Foster to Mr. Fish.*

No. 466.]

LEGATION OF THE UNITED STATES,  
*Mexico, November 29, 1876. (Received December 14.)*

SIR: The newspapers of this morning contain the proclamation of General Porfirio Diaz announcing himself as provisional president of the republic, under the plan of Tuxtepec. This step is a natural result of the proclamation made on the 27th instant declaring that plan as the law of the republic, but it renders more difficult any adjustment with Mr. Iglesias.

A full cabinet of ministers of state is announced in the morning papers, but as yet no official publication has been made. Everything indicates that General Diaz will go forward with the reorganization of the government, without any regard to the Iglesias movement. His army is reported to be advancing from this city in the direction of Querétaro, and the expectation is general that hostilities may be inaugurated between the two parties at an early day.

I am, &c.,

JOHN W. FOSTER.

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[Inclosure.—Translation.]

*Proclamation of General Porfirio Diaz as President of Mexico, Nov. 28, 1876.*

PROTASIO P. TAGLE, Governor *ad interim* of the district, to its inhabitants:

Know ye that the general-in-chief has transmitted to me the following decree:

"PORFIRIO DIAZ, general-in-chief of the national and constitutional army of the United Mexican States, makes known to the inhabitants of the republic:

"That none of the functionaries invited by article 6 of the plan of Tuxtepec, as reformed at Palo Blanco, having manifested their adhesion to the same, I have thought proper to decree the following:

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"The general-in-chief of the constitutional army assumes the executive power of the union, in conformity with article 6 of the Plan of Palo Blanco, for the period indicated by said plan, for the exercise of that power by the provisional president.  
 "National Palace, Mexico, November 28, 1876.

"PORFIRIO DIAZ.

"LUIS C. CURIEL, *Secretary.*"

And I transmit it to you for its fulfillment.  
 Liberty in the constitution!  
 Mexico, November 28, 1876.

LUIS C. CURIEL,  
*Secretary.*

To the GOVERNOR OF THE DISTRICT.

I therefore order that it be printed, published, and circulated.  
 MEXICO, November 28, 1876.

PROTASIO P. TAGLE.

JOSÉ MARIA BARROS, *Secretary.*

No. 212.

*Mr. Foster to Mr. Fish.*

No. 472.]

LEGATION OF THE UNITED STATES,  
 Mexico, December 8, 1876. (Received December 22.)

SIR: I transmit herewith a decree issued by General Porfirio Diaz, from the city of Oaxaca, on the 26th of September last, and which has been republished in the first issue of the official journal of his government in this city, declaring void the contracts described in the three first articles of said decree made by and with the government of President Lerdo. The fact of its publication officially in this city would seem to indicate the intention of General Diaz's government to enforce its provisions. It is not entirely clear whether the decree is designed to be retroactive in its effect, or simply to deter persons from making further contracts with the government of Mr. Lerdo, which at the date of the decree was the one in possession of this capital and of the greater part of the republic, and recognized by the United States and other foreign nations as the only legitimate government of Mexico. If the third article shall be retroactive in its enforcement it will very seriously and to a large extent affect American interests, and even if only made effective from its date, the decree will place in dispute the validity of certain contracts to which American representatives are parties.

I am, &c,

JOHN W. FOSTER.

[Inclosure.—Translation.]

[From the Diario Oficial, December 4, 1876.]

*General Diaz's decree nullifying contracts of Lerdo government.*

PORFIRIO DIAZ, GENERAL-IN-CHIEF OF THE NATIONAL CONSTITUTIONAL ARMY OF THE UNITED MEXICAN STATES, TO ITS INHABITANTS:

Know ye that, in the exercise of the war powers with which the national will has invested me, I have thought proper to decree the following:

ARTICLE 1. The contracts of lease of the mints of the republic are null, and without any force or effect, which Sebastian Lerdo de Tejada or his agents may have made, as shall also be other contracts which he may make in the future, whether they refer to these mints or to any other branch of the administration.

ART. 2. The obligations shall likewise be null and of no value which the so-called government of Sebastian Lerdo may contract with the bondholders of the English debt in any negotiation which may be agreed upon with them or their agents, relative to the recognition of the said debt.

ART. 3. Any contract which may result in any burden to the nation shall also be null and of no force.

ART. 4. The signers of any of the contracts to which the preceding articles refer, and all the individuals who directly or indirectly participate in their celebration, shall be deprived of every right, shall be judged by military commissions and punished as traitors to the country, with the penalty which belongs to the crime, without prejudicing the civil responsibility which they may incur to the treasury or to the private individuals who may be damaged by reason of any contract with the said persons.

ART. 5. The sales, mortgages, or agreements which the responsible parties referred to in this decree, and that of August 28 last, may pretend to make, in order to avoid the civil responsibility which they may incur, apparently disposing of the property which they possess, shall have no force or effect from the moment in which the military commission which may judge them imposes upon them any penalty.

Let it be printed, circulated, and communicated to whom it pertains for its most exact observance.

Given in Oaxaca the 26th of September, 1876.

PORFIRIO DIAZ.

LUIS G. CURIEL, *Secretary.*

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No. 213.

*Mr. Foster to Mr. Fish.*

No. 478.]

LEGATION OF THE UNITED STATES,  
*Mexico, December 15, 1876. (Received January 5, 1877.)*

SIR: On the 12th instant I received a note dated at Querétaro on the 3d instant from Hon. Francisco Gomez del Palacio, as minister of foreign affairs of the cabinet of Mr. Iglesias, in which he informed me that the Hon. José M. Iglesias, by virtue of the eighty-second article of the constitution of the republic, had, as president of the supreme court of justice, assumed the character of President *ad interim* of the republic; and that Mr. Iglesias would not accept any other obligations than those contracted by authorities who recognize the government which he represents.

I have under date of the 13th instant unofficially acknowledged the receipt of said note, and stated that I would transmit a copy thereof to my government for its information and action.

I inclose herewith copies of the said correspondence.

I am, &c.,

JOHN W. FOSTER.

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[Inclosure 1 in No. 478.]

*Mr. Palacio to Mr. Foster.*

DEPARTMENT OF FOREIGN AFFAIRS.

The case foreseen by the eighty-second article of the constitution of the republic having presented itself, the citizen-president of the supreme court of justice of the nation, in compliance with the duty imposed upon him by that provision, has assumed the character of President *ad interim* of the republic.

I have the honor to inform your excellency of this by direction of that supreme magistrate, who also instructs me to state to your excellency that the legitimate government will not accept for the nation any engagement or obligation whatever which any other person may contract, nor will it recognize other obligations than those which emanate from the acts of public authorities or functionaries which may recognize the said legitimate government, or which are subordinate to it.

I improve the opportunity to offer to your excellency the assurances of my very distinguished consideration and special appreciation.

QUERÉTARO, December 3, 1876.

FRANÇO G. PALACIO.

[Inclosure 2 in No. 478.]

*Mr. Foster to Mr. Palacio.*

[Unofficial.]

LEGATION OF THE UNITED STATES,  
*Mexico, December 13, 1876.*

SIR: I have the honor to acknowledge the receipt to-day of your communication of the 3d instant, in which you state that the Hon. José M. Iglesias, as president of the supreme court of justice, has, by virtue of article 82 of the constitution of the republic, assumed the character of President *ad interim* of the republic, and that he will not accept any other obligations than those contracted by authorities who recognize the government which he represents.

I will take pleasure in transmitting a copy of your communication, by the earliest opportunity, to my government for its information and action.

I embrace this occasion to assure you of my high personal consideration and esteem.  
JOHN W. FOSTER.

No. 214.

*Mr. Fish to Mr. Foster.*

No. 357.]

DEPARTMENT OF STATE,  
*Washington, December 20, 1876.*

SIR: Your dispatch No. 465 of the 28th ultimo has been received. It represents that the government of Porfirio Diaz had applied for a loan of \$500,000, and had represented that \$300,000 of the amount would be payable to this government in the course of next month. The exact sum payable will, however, depend upon the construction placed upon the fourth and sixth articles of the original convention of the 4th of July, 1868, and the second article of the convention for extending the functions of the umpire of the 29th of April last. According to one construction, the deduction from the amount awarded of Mexico's share of the expenses of the joint commission might be distributed through the several periods at which payments are to be made by her, including that of the 31st of next month. Pursuant to another construction, Mexico would have the privilege of deducting the whole sum due to her on that account from her first payment.

I transmit a copy of a protocol, with an accompanying account of the expenses of the joint commission, signed by Mr. Mariscal and myself on the 14th instant. These papers have been framed with deliberation and care, and, as is believed, state fully and accurately all necessary particulars for a comprehension of the subject at a glance. The account shows that there is a balance of \$57,499.01 in favor of Mexico. If, therefore, she should think proper to deduct this amount from the first installment payable to the United States, that sum would be correspondingly lessened. If, however, she should prefer to distribute the sum over the several periods at which the payments are to be made, the amount due from her on account of the first payment would be increased accordingly.

We are not indisposed to allow Mexico her option in this matter. The pecuniary amount of the difference between the one course and the other is to us at least comparatively unimportant.

We are not aware of the method which Mexico will adopt for making the payment. If, however, it should be offered in dollars at the city of Mexico, there would be more or less risk and expense in remitting that amount hither in specie. It is consequently preferable that the remittance should be in good bills either on the United States or on England.

It is not deemed necessary to send you a formal power to receive the payment, but if it should be made to you, and any questions should arise as to your authority, you may show this instruction as proof in the matter.

I am, &c.,

HAMILTON FISH.

[Inclosure.]

PROTOCOL.

Whereas the commission for the adjustment of claims provided for by the convention between the United States and the Mexican Republic of the 4th of July, 1868, stipulates in its sixth article that the compensation to be paid to the umpire shall be determined by mutual consent at the close of the convention;

And whereas the said commission, though continued from time to time by subsequent conventions, has concluded its functions and come to a close;

And whereas the same article stipulates that the whole expenses of the commission, including contingent expenses, shall be defrayed by a ratable deduction on the amount of the sums awarded by that commission: *Provided always*, That such deduction shall not exceed five per cent. on the sums so awarded, the deficiency, if any, to be defrayed in moieties by the two governments:

Now, therefore, the undersigned, Hamilton Fish, Secretary of State, and Don Ignacio Mariscal, accredited to the Government of the United States as envoy extraordinary and minister plenipotentiary of the Mexican Republic, have this day met for a consideration of these subjects, and have determined that the compensation of the umpire aforesaid shall be at the rate of six thousand dollars a year. Consequently, deducting the advances made by each government to Dr. Lieber during the time of his service as umpire, there remains the sum of eighteen thousand five hundred and fifty dollars (\$18,550) for compensation of the umpire, one-half payable by each government.

The advances and payments made to Dr. Lieber were six thousand one hundred and thirty-nine dollars and seventy-two cents (\$6,139.72) paid by each government, in all twelve thousand two hundred and seventy-nine dollars and forty-four cents (\$12,279.44).

The expenses of the commission contemplated in Article VI of the convention, including the contingent expenses, have amounted to one hundred and seventy-eight thousand seven hundred and thirty-eight dollars and forty-six cents (\$178,738.46), equal to four per cent. and seventeen thousand nine hundred and ninety-two one hundred thousandths ( $4\frac{1792}{100000}$ ) of one per cent. on the total amount of awards on both sides.

The undersigned have also caused the account hereunto annexed to be stated, and have approved the same under their respective hands.

HAMILTON FISH,  
*Secretary of State.*  
IGNO MARISCAL.

WASHINGTON, December 14, 1876.

*Statement of account of United States and Mexican Claims Commission.*

AWARDS AND EXPENSES OF COMMISSION.

Awards against Mexico:

I. In Mexican gold dollars.	\$3,296,055 18
II. In U. S. gold coin.....	426,624 98
III. In currency.....	402,942 04

4,125,622 20 at a percentage of 4.17992, yields. \$172,447 75

Awards against United States:

I. In Mexican gold dollars.	50,528 57
II. In U. S. gold coin.....	10,559 67
III. In currency.....	89,410 17

150,498 41 at a percentage of 4.17992, yields. 6,290 71

Total..... 4,276,120 61 at a percentage of 4.17992, yields. 178,738 46  
Expenses of commission, one-half to be borne by each government ..... 178,738 46

Moiety of expenses..... 89,369 23

Paid by Mexico :	
Salary of commissioner from July 1, 1869, to January 31, 1876, 6 years and 7 months, @ \$4,500 .....	\$29,625 00
Salary of secretary from May 1, 1869, to December 31, 1876, 7 years and 6 months, @ \$2,500 .....	18,750 00
Umpire, Dr. Lieber, from September 6, 1869, to Oc- tober 1, 1872, @ \$3,000 .....	\$6,139 72
Umpire, Sir Edward Thornton, from October 17, 1873, to November 20, 1876, 3 years and 1 month. ....	9,275 00
	<u>15,414 72</u>
Total amount paid by Mexico .....	63,789 72
Paid by United States :	
For same services, same rates and time .....	63,789 72
Also joint contingent expenses .....	51,159 02
	<u>114,948 74</u>
Total amount paid by United States .....	114,948 74
Total amount of expenses paid as above .....	\$178,738 46
Moiety of same as above .....	89,369 23

HAMILTON FISH,  
*Secretary of State.*  
IGN'O MARISCAL.

## BALANCE OF ACCOUNT.

From sheet No. 1. Award against United States	\$150,498 41	at 4.17992%	\$6,290 71
From sheet No. 1. Award against Mexico.....	4,125,622 20	at 4.17992%	172,447 75
	<u>4,276,120 61</u>	at 4.17992%	178,738 46
From sheet No. 1. Expenses paid by United States .....	114,948 74		
From sheet No. 1. Expenses paid by Mexico..	63,789 72	Total expenses	178,738 46

*Account of the United States.*

	Dr.	Cr.
To amount of percentage on award against Mexico .....	\$172,447 75	
By amount of disbursements on account of expenses .....		\$114,948 74
Balance .....		57,499 01
	<u>172,447 75</u>	<u>172,447 75</u>
Balance against the United States .....	57,499 01	

*Account of Mexico.*

	Dr.	Cr.
To amount of percentage on award against United States ....	\$6,290 71	
By amount of disbursements on account of expenses .....		\$63,789 72
Balance .....	57,499 01	
	<u>63,789 72</u>	<u>63,789 72</u>
Balance in favor of Mexico .....		57,499 01

HAMILTON FISH,  
*Secretary of State.*  
IGN'O MARISCAL.

No. 215.

*Mr. Foster to Mr. Fish.*

No. 481.]

LEGATION OF THE UNITED STATES,  
Mexico, December 30, 1876. (Received January 16.)

SIR: At the date of my last dispatch on current events, the army of General Diaz was marching against the Iglesias forces in the direction of Querétaro. The campaign thus far has been a continued and uni-

form success for General Diaz. The first success was the defection of the advance guard of the Iglesias forces, which, upon the approach of Diaz's army, passed over in a body to it without firing a shot. This was followed by the evacuation of Querétaro and its occupation by Diaz. About the same time General García de la Cadena, a revolutionary chief, who had control of the State of Zacatecas, and had a short time previously recognized Mr. Iglesias as provisional President, again "pronounced" in favor of Diaz, and transferred that State to his support. This was soon after followed by the revolt of the garrison of San Luis Potosi, which had also recognized Mr. Iglesias after the fall of Mr. Lerdo, and the States of Nuevo, Leon, Coahuila, and Tamaulipas are reported to have followed the example of the adjoining States. General Diaz is advancing from Querétaro, having occupied Celaya, and is now said to be in the vicinity of Guanajuato. En route he has reported the accession to his army of a number of detachments of the Iglesias troops; so that by all these accessions he has been very much strengthened, and Iglesias weakened.

Rumors have been in daily circulation of an adjustment between the two rival claimants of the presidency. It appears that a conference was held between Diaz and Iglesias ten days ago, but without any success. It is stated that Mr. Iglesias offered to make certain concessions as to the election of new federal powers, but General Diaz insisted upon the complete acceptance of the plan of Tuxtepec, which Mr. Iglesias declined to do, as he was unwilling to recognize in so unreserved a manner the revolutionary principle and practice.

The Diaz party now claim that peace will soon be restored, and that, too, without any bloodshed, as the popular sentiment is so plainly in their favor, and as the Iglesias army is so greatly reduced as to make resistance useless.

I have already referred to the fact that when General Diaz left this city to take command in person of the army he transferred the exercise of the executive power to his military second in command, General Juan N. Mendez, who has remained in this capital discharging the functions of provisional president. He belongs to the Indian race, is a plain "haciendado" (farmer), without much experience in public affairs, but a person highly respected by and of great influence among the Indians of the Puebla Mountains, where the revolution had early and strong support. During his brief administration a number of important orders and decrees have been issued. In my No. 472, of the 8th instant, I transmitted a decree of General Diaz nullifying certain classes of contracts made by the Lerdo government. This decree has been made to extend to the acts of the Iglesias government also, as will be seen by the circular, of which I inclose a translation herewith.

General Mendez has issued a decree declaring closed to foreign commerce all the ports of the republic whose authorities have not recognized the government of General Diaz, and declaring that all persons making payments (custom duties) to such authorities will be subject to a second payment. I transmit a translation of said decree.

I also inclose a decree by which the judicial acts and decisions of the authorities of the Lerdo government are declared valid, but with numerous exceptions.

But the most important decree issued by General Mendez, as provisional president, is the one convoking elections, which embrace the three federal powers of the republic and of the States. This decree contains some notable provisions. It excludes from all candidature all persons who in civil or military grades have done anything to recognize the re-



election of Mr. Lerdo, who have participated in what are termed the electoral frauds, or have voted in favor of the "extraordinary faculties." These prohibitions will exclude from office more than three-fourths of the members of the last two congresses and of the supreme court, and a vast number of civil and military officials in all parts of the republic, among the most experienced and able of its public men. The persons elected are required to take an oath to support the constitution and the plan of Tuxtepec, by which latter provision all successful candidates must recognize the principle and practice of revolution as established by General Diaz. These provisions are very severely criticised by the opposition press, which claims that the odious electoral system of the Lerdo government, which the Diaz revolution was inaugurated to destroy, was much less illiberal and exclusive than the electoral decree just issued.

I inclose copies and translations of the decree and the manifesto by which it was accompanied.

In my dispatch No. 473 I referred to the partial failure of the revolutionary loan asked for by the Diaz government. It has abstained from any irregular exactions or forced loans, as has too often been the case with revolutionary leaders; but it has levied a general and uniform tax upon all classes of property of from 6 to 10 per cent. upon profits, which is estimated to be equivalent to about one-half of 1 per cent. on the value of property. It is expressly stated in the decree that from the proceeds of this tax will be reserved the sum required to pay the January installment of the mixed claims commission. The tax is general in its application to the entire republic, and is the third extraordinary tax levied during the past twelve months, two levies of 1 per cent. each having been made by the government of Mr. Lerdo.

I am, &c.,

JOHN W. FOSTER.

[Inclosure 1 in No. 481.]

*Order nullifying contracts of the Iglesias government, as well as those of President Lerdo.*

[From The Two Republics, Mexico, Saturday, December 23, 1876.]

CIRCULAR.

The citizen-general, second in command of the national constitutional army, provisionally in charge of the executive department of the union, has been pleased to direct, with the unanimous concurrence of the council of ministers, that your attention be called, which I now call, to the dispositions contained in the decrees of August 20 and September 26 last, issued in Oaxaca, which were reproduced in the first number of the *Diario Oficial*.

In said decrees, with the foresight natural in a regenerating movement, which has not had and does not have any object but to save the rights of the people, as much with relation to individual rights, constantly encroached on by the former administration, as with respect to the common interests of the nation, which were neglected and sacrificed, all contracts made by Mr. Sebastian Lerdo de Tejada were declared null, void, and without value and the civil and criminal responsibility of all individuals who should intervene in any character whatever in said contracts was established, adding various dispositions that would in a measure prevent the serious damages that could be done and unfortunately were done by the said administration.

But said dispositions would be completely eluded, if, confining itself to the *personnel* of the administration that has disappeared, the government should fail to apply them to those persons who, although putting on new garments, are the same responsible persons, the same agents and functionaries against whom the people are contending, and of whom they demand reparation for the damages they have caused and continue to cause.

The same individuals who, during many years of service in high posts, had not the spirit to demand of the tyrant the rights of Mexicans and respect for the constitution, think the time has now arrived for a change of colors, and hold themselves up to the

nation as the representatives and depositaries of the law, which, in the times of trial, did not merit from them the most insignificant effort or sacrifice.

In order to avoid a falsification, so illy concealed, which would postpone for a long time the satisfaction demanded by the people, the executive of the union directs that the dispositions contained in the decrees mentioned in the beginning of this circular be applied to the agents of the shadow of a government that was improvised for a few days in the city of Guanajuato, without any exception whatever of persons, as all of them are continuing the work of the downfallen tyrant, and by act are demonstrating that their principal object is to thwart the regeneration of the republic that could have been and should have been considered as assured after the triumph of the armed people in their combats over their gratuitous and implacable enemies.

Which I have the honor to communicate to you, in order that it may be applied and duly complied with.

Liberty in the constitution.

MEXICO, December 15, 1876.

BENITEZ.

[Inclosure 2 in No. 481.]

*Decree concerning closing of ports not recognizing President Diaz, and the payment of customs, &c., thereat.*

A DECREE.

Gen. Juan N. Mendez, second in command of the national constitutional army, to the inhabitants of the republic makes known:

That in use of the ample faculties conceded to the executive of the nation by the "plan" of Tuxtepec, amended in Palo Blanco, it being necessary to put in practice all the measures that may contribute to the pacification of the republic, I have decreed the following:

ARTICLE 1. All the ports of the republic, whose authorities have not recognized the supreme government established in the capital of the republic, are closed to the commerce of the high seas and to coasting trade.

ART. 2. Those persons who may pay any amount pertaining to the federal treasury to employés or functionaries who have not recognized the supreme government, are subject to a second payment, which payment can only be made in offices and to employés who have expressly adhered to the movement regenerating the republic.

ART. 3. The employés and authorities spoken of in this decree will be held personally and pecuniarily responsible for the application of the funds they may receive or distribute without express authority from the government of this capital.

Which I command to be printed, published, circulated, and duly complied with.

NATIONAL PALACE OF MEXICO, December 12, 1876.

JUAN N. MENDEZ.

[Inclosure 3 in No. 481.]

*Decree declaring the validity of the judicial acts of the Lerdo government, with certain exceptions.*

A DECREE.

DEPARTMENT OF JUSTICE AND PUBLIC INSTRUCTION.—Section 1.

To-day I say the following to the first citizen district judge of this capital:

The citizen general, second in command of the national constitutional army, in charge of the supreme executive power, having in view your note, in which you advise that proper measures be decided upon in regard to the validity or invalidity of the judicial acts of the administration of Sebastian Lerdo de Tejada, and concerning what shall be done with the orders issued by authorities, whose removal has not yet been expressly and especially agreed upon by this department; having also in view the plan of Tuxtepec as reformed at Palo Blanco, and particularly the third article, which repudiates the congress elected in July, 1875, and which does not recognize any authority whatever in the functionaries and employés of said administration, as well as the decision arrived at in respect to this matter by the citizen General Porfirio Diaz in a meeting of ministers; the principles of the science and the precedents of our public law, the highly beneficial designs to society, and lastly the grave and delicate interests, as well of private individuals as of the nation, which are identified with the acts and business of the judicial branch, and which, for the same reason, have always merited particular care on the part of the legislator, he has been pleased to dictate the following measures:

First. All judicial acts of the administration of Sebastian Lerdo de Tejada are

declared valid, and as such shall produce the effects which they would have in conformity with the law.

Second. Those acts are excepted which may have been in manifest opposition to the plan of Tuxtepec as reformed at Palo Blanco, as well as those founded upon laws issued by the congress of 1875 and 1876. Both are to be considered null and without legal value whatever, and shall be declared thus in the respective proceedings by the competent judge, upon the petition of parties in civil suits, and officially in criminal cases.

Third. The sentences denying *amparo*, which are based upon the extraordinary faculties conceded to the said administration, are especially declared null, as well as the attachments and impositions of fines decreed in virtue of the said faculties.

Fourth. The proceedings instituted against citizens who served in the regenerating army are also null, if they were instituted on this account, or if the charge made against the defendants should be that of having lent services to the revolution or of having sustained the saving principles of the latter, or of assisting in any manner in establishing its security and stability.

Fifth. In the foregoing cases the judges who in the first instance may or shall have knowledge of the existence of these facts will officially put the accused at liberty, the sentence which shall in fact be pronounced remaining subject to the revision of the next superior court under its responsibility, and this revision will also take place in regard to the judicial proceedings spoken of in the second section.

Sixth. If, in the proceedings treated of by the foregoing, sufficient evidence should appear for presuming the accused to be guilty of a crime of the common or federal order, but which may not be of those known as political, the proceedings instituted will continue until the end, but only for the crime of that nature, with absolute subjection in all respects to the laws in force, all other charges being dismissed.

Seventh. The orders issued by illegitimate authorities who may not yet have been removed should be carried out with the promptness and efficacy which the law requires in all cases where the treasury is interested, or which affect the prompt administration of justice, and in those cases which conform to precedents, the court observing in regard to such cases the preceding sections in so far as they are applicable.

Eighth. The prosecution of the proceedings above recommended by the presiding judges does not amount to the definite recognition of the jurisdiction which they may claim, it being in all cases subject to the removal which may afterward be determined of the *personnel* of the courts and tribunals, such prosecution having at the present time force and vigor as that emanating from the law by virtue of an appointment made by the legally constituted authority, which I state to you in answer to your said note for your information and exact fulfillment.

Liberty in the constitution.

MEXICO, December 14, 1876.

IGNACIO RAMIREZ.

To the FIRST CITIZEN DISTRICT JUDGE OF THIS CAPITAL, present.

And I transmit it to you for the corresponding effects.

Liberty in the constitution.

MEXICO, December 14, 1876.

IGNACIO RAMIREZ.

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No. 216.

*Mr. Fish to Mr. Foster.*

No. 366.]

DEPARTMENT OF STATE,

Washington, January 19, 1877.

SIR: Your dispatches to No. 484 have been received. Intelligence has reached here of the defeat of the forces arrayed in behalf of both Iglesias and Lerdo. If this should be confirmed by similar tidings received at the capital, Porfirio Diaz would have no important adversary in arms, and might be regarded as the actual ruler of the country. Inasmuch, therefore, as we cannot receive from a government which we do not acknowledge the installment of indemnity payable by Mexico on the 31st instant, on this account, especially, you would be warranted in recognizing the government of Porfirio Diaz, unless before this reaches you such a step should be made inexpedient by events which are not now foreseen. You will exercise your best discretion in the matter. From our point of view we cannot comprehend the expediency on the part of Diaz of dis-

owning the official contracts entered into by his predecessor. Such a step certainly cannot contribute to the confidence of persons who otherwise might be disposed to enter into contracts which, in the nature of things, must be more or less indispensable for strengthening his power, nor will the tendency of the repudiation be toward enabling him to obtain better terms from those with whom he may bargain. You may informally refer to these considerations in any interviews which you may have with him or with others of authority and influence in that quarter. You will express the regret which we should have at the effect of the measure upon those interests of citizens of the United States who may have entered into contracts with the Lerdo government. If, however, the policy avowed should be insisted upon and carried into execution, it is not expected that, for the present, at least, you will regard this as an international question.

I am, sir, &c.,

HAMILTON FISH.

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No. 217.

*Mr. Foster to Mr. Fish.*

No. 490.]

LEGATION OF THE UNITED STATES,  
*Mexico, January 20, 1877.* (Received January 30.)

SIR: Your dispatch No. 357 of the 20th ultimo, transmitting a copy of the protocol and account of expenses of the joint commission agreed upon between you and Mr. Mariscal, was received yesterday. The government of General Diaz had already sent to Vera Cruz, for embarkation to New Orleans, \$300,000, with which to make the first payment on the 31st instant, in accordance with the claims treaty; but being satisfied that it would be glad to take advantage of the construction which your dispatch allows to be placed upon the fourth and sixth sections of the treaty, and deduct from the \$300,000 the balance on account of expenses of the commission found to be in favor of Mexico, I called upon Mr. Vallarta on yesterday, left with him a copy of the protocol and account, and stated to him the substance of your dispatch. He at once submitted the matter to the consideration of the acting president, and within two hours he called at the legation to inform me that it had been determined to deduct the total amount of the balance of expenses, to wit, \$57,499.01, from the first payment, in view of the pressing financial necessities of the government. He, at the same time, expressed his profound appreciation of the liberality of construction which you had permitted to be placed upon the treaty. He said that as the coin had already been sent to Vera Cruz, and was now ready for embarkation, it had been thought best to carry out the original intention, and have Mr. Mata make the payment in Washington, which he hopes to do on or before the 31st instant.

I am, &c.,

JOHN W. FOSTER.

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No. 218.

*Mr. Foster to Mr. Fish.*

No. 496.]

LEGATION OF THE UNITED STATES,  
*Mexico, February 19, 1877.* (Received March 16.)

SIR: I have received under date of the 15th a note, of which I inclose a copy and translation, from the minister of foreign affairs of General

Diaz's government, in which he brings to my notice that General Diaz, having successfully terminated his campaign, has reassumed the exercise of the provisional presidency of the republic; that the public peace is now restored in all parts of the Mexican territory; and that within a short time the constitutional order will be re-established, the functionaries elected by the people entering upon their respective duties.

On the 16th, the minister of foreign affairs sent me a circular, of which I inclose a copy and translation, issued by the minister of government, which, in announcing to the authorities of the States the resumption of executive power by General Diaz, sets forth the policy which will govern his administration in three important particulars. The circular states (1st) that the constitutional order will be at once restored and respected in its complete force, in so far as it is possible, in the absence of the legislative and judicial branches of the government; and that Congress and the supreme court will be organized in the shortest possible time, in accordance with the will of the people expressed in the elections.

The circular states (2d) that the plan of Tuxtepec and the present administration established upon its principles shall not be a reactionary or retrograde government; that the revolution has been and is liberal and progressive, and will sustain with good faith and vigor the doctrines of the national party, written and sanctioned in the existing constitution and the laws of reform; and that it will lend no support or encouragement to reactionary movements against the principles of reform, which have been secured through so many years of struggle.

And, finally, the circular expresses the desire of the Provisional President to call into his administration the members of the national liberal party, without distinction of circles or banners, to have the benefit of the experience and services of all Mexican citizens who sincerely respect and obey the constitution and its amendments, and that an exclusive party spirit shall not influence his conduct.

The declarations of this circular are highly important, in view of the fact that it has been understood that two opposite influences have been at work, seeking to mold the policy of General Diaz in directions antagonistic to these principles. One circle has sought to induce him to disregard the constitutional order, and to continue the military or dictatorial government indefinitely. Another party has urged that he should make a combination with the old conservative or church party, and annul or disregard the laws of reform, and the other liberal and progressive provisions of the constitution.

In my last dispatch I informed you of the abandonment of the Mexican territory, both by Mr. Lerdo and Mr. Iglesias, so that there is now no rival claimant to General Diaz in the republic, and virtually the whole country has submitted to his authority. The only opposition known to exist is by Governor Alvarez, with a small part of the State of Guerrero, and our consul at Acapulco informs me that Alvarez is ready to surrender his authority to General Diaz, and is only resisting the opposing governor.

\* \* \* \* \*  
I have, &c.,

\* \* \* \* \*  
JOHN W. FOSTER.

[Inclosure 1 in No. 496.—Translation.]

*Mr. Vallarta to Mr. Foster.*

DEPARTMENT OF FOREIGN AFFAIRS,  
*Mexico, February 15, 1877.*

SIR: The Citizen Porfirio Diaz, general-in-chief of the national army, has to-day again assumed the supreme executive power of the union, the exercise of which he was

pleased to delegate to the second in command, Citizen-General Juan N. Mendez, when in December last he took under his immediate direction the campaign which has already terminated happily, and without the effusion of any blood, against the forces which combated the order of affairs created by the plan of Tuxtepec.

On making known to your excellency the stated fact, it is pleasant for me to bring to your knowledge that the public peace is now restored in all parts of the Mexican territory, and that within a short time the constitutional order will be re-established, the functionaries, whose election is at present being made by the people, entering upon the discharge of their respective duties.

I have the honor of assuring your excellency of my most distinguished consideration.

I. L. VALLARTA.

[Inclosure 4 in No. 496.—Translation.]

*Circular of February 16 to the provincial governors, announcing the policy of President Diaz.*

DEPARTMENT OF GOVERNMENT.—SECTION 1.

*Circular.*

The decree which I have the honor to inclose to you will inform you that the citizen-general-in-chief of the army has to-day reassumed possession of the executive power of the union, after having terminated in the most happy and satisfactory manner his campaign, leaving the government of the republic, in order to assume the said campaign, in the hands of the second citizen-general in command, according to the decree of the 6th of December of last year.

On again assuming the position assigned to him by the plan of Tuxtepec, amended at Palo Blanco, the citizen-general-in-chief has the satisfaction of having secured peace throughout the whole country, the triumph of the national insurrection being now complete and absolute.

This satisfaction is even greater to him inasmuch as, in obtaining a blessing of so great value as is the general peace of the republic, there has been no occasion for the effusion of more blood since the combats which overthrew the administration of Lerdo.

The citizen-general-in-chief assumes the provisional power which he exercises, inspired with the same sincere desires which have always animated him for the prosperity of the republic, his firm purpose being to restore, in the shortest time possible, the constitutional order disturbed since the preceding administration; and he will direct all his forces to the abbreviation of the present transitory period of the reconstruction of the constitutional powers. I can consequently assure you that the provisions of the *convocation* and the promises of the revolution of Tuxtepec will have complete fulfillment in regard to the early constitutional reorganization of the republic.

In the very few days in which he will still have to exercise the provisional power, with which he is invested by virtue of the present situation, the citizen-general-in-chief will cause, nevertheless, that the constitution shall be a reality, respecting it, and requiring its fulfillment in all of its provisions, which the present circumstances do not make impossible of execution.

If the lack of the federal legislative and judicial powers does not permit that they shall act, or that the constitutional order shall exist immediately in all its fullness, all the other constitutional provisions which do not relate to those powers, as those which insure individual guarantees, which designate the form of government, which sanction the reform, &c., shall be the supreme laws of the republic, and will be observed and strictly complied with. In this manner the citizen-general-in-chief believes that he repays the confidence which the nation has been pleased to place in him, preparing the early re-establishment of the complete constitutional order.

The plan of Tuxtepec, amended at Palo Blanco, expressly proclaims in article 1st the constitution and the laws of reform as the supreme laws of the republic. The revolution, tolerant inasmuch as it is liberal, has not been, is not, neither will it be, reactionary; it does not retrograde to the most gloomy times of our history, rejecting the principles which are professed to-day by all cultivated nations, and whose conquest has cost Mexico torrents of blood. The revolution has been and is liberal and progressive, and will sustain with good faith and vigor the doctrines of the national party, written and sanctioned in our constitution and the laws of reform.

The citizen-general-in-chief directs me to make the foregoing observations in the most explicit manner, in order that the nation may know what are the aspirations and views of the provisional government, in order that it may know that the revolution of Tuxtepec is not a reaction against the laws of reform; that the present government neither protects nor lends its support to the tendencies of retrogression. These declarations, made known in this solemn form and accepted by the cabinet with complete unanimity, will serve to completely tranquilize all fears, causing it to be understood that after the regenerating revolution which has displaced a corrupt administration,

there should be no fear of the loss of the great blessings which Mexico has secured in half a century of political convulsions.

I am also ordered by the citizen-general-in-chief to make known on this occasion another declaration of no less importance. Being persuaded that exclusive governments do not have the elevated views which are necessary for the constitutional and stable reconstruction of a country so burdened with revolutions as ours, he desires to govern with the national liberal party, without distinctions of circles or banners; he desires to have at his side all Mexicans who sincerely and loyally obey and respect the constitution and its additions and reforms. He calls all citizens to his side, and will accept with pleasure the co-operation of all intelligent and useful persons in the difficult task of the constitutional reconstruction.

The citizen-general-in-chief has the noble ambition to reorganize the liberal party, and he believes that this is the occasion for taking the first step in that direction, maintaining no exclusions except for crime and for refusing to accept our institutions or obey our laws.

On ordering the publication of the decree which I send you, be pleased to order, also, that this circular may be made known in all parts of the state under your worthy charge, in order that doubts for the future may cease, all the country knowing the sentiments by which the provisional government is animated.

Liberty in the constitution.

MEXICO, February 16, 1877.

P. TAGLE.

To the CITIZEN-GOVERNOR OF ———

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No. 219.

*Mr. Foster to Mr. Evarts.*

No. 510.]

LEGATION OF THE UNITED STATES,  
*Mexico, March 23, 1877. (Received April 7.)*

SIR: The consul at Mazatlan, under date of the 20th ultimo, reported to me, through the consul-general in this city, that General F. O. Arce, military governor of the State of Sinaloa under President Lerdo, upon the occupation of Mazatlan by the forces of General Diaz took refuge in his consulate on the 15th of January last; that on the 18th of January the consul informed the commander of the Diaz forces, Colonel Ramirez, that General Arce was under the protection of the consulate, and received the assurance that the consulate should be respected; that, notwithstanding, on the 2d of February, a body of armed men forcibly entered the consulate, in the absence of the consul and without his knowledge and consent, and removed General Arce therefrom; that upon complaining of the act in writing to Colonel Ramirez, the latter called at the consulate and stated that he was satisfied that an outrage had been committed, and promised to restore General Arce and punish the officer making the arrest; and that General Arce was not returned to the consulate, nor any steps taken towards reparation.

The day after the receipt of the consul's report, General Arce arrived in this city under his parole to report as a prisoner to the President. I called upon General Arce, and his statement of the facts corresponds with that of the consul.

On the 20th instant, in a call which I made at the department of foreign affairs, I left with Mr. Vallarta a copy of the report of the consul, herewith inclosed, stating that while I did not make it the subject of a formal note, I thought the facts stated would lead him to examine into the conduct of the Mexican officials. I expressly disavowed any claim of extra-territoriality for American consulates in Mexico, and called attention to the fact that our government discouraged the practice of political asylum in its legations. I admitted that the consul may have

erred in giving General Arce refuge in the consulate, but that having reported the fact to the military commandant, and being assured by him that the protection extended to General Arce would be respected, I regarded the armed and forcible entrance of the consulate and the arrest of General Arce as an act of bad faith and a want of respect towards an official of my government, especially as I was informed that no demand of any kind had ever been made upon the consul for the surrender of General Arce.

Mr. Vallarta promised that the matter should have the early attention of his government; and to-day he informed me that instructions had been sent to the military commandant of Mazatlan to forward at once a report of the affair; and he assured me that the government would not fail to punish any officer who should be found wanting in courtesy to the consul or to his flag.

It is proper to state in this connection that, more than a month ago, I learned through the consul at Acapulco that General Arce had taken refuge in the consulate at Mazatlan, and that there was a possibility of trouble with the military authorities growing out of it. I at once wrote to him through the consul-general, February 20, using the following language:

It is to be borne in mind that the consulate does not possess the right of extra-territoriality, and that while it is an act of humanity to protect defenseless persons from mob violence and hasty revenge, during the transition of governments, it is advisable to avoid giving permanent protection to political refugees, and thus prevent conflicts with the local authorities.

I will await the receipt by the government of its report in the case, but will keep the case in view, hoping in the mean time to receive some instructions from you on the subject.

I am, &c.,

JOHN W. FOSTER.

[Inclosure 1 in No. 510.]

*Mr. Kelton to Mr. Skilton.*

CONSULATE OF THE UNITED STATES,  
*Mazatlan, Mexico, February 20, 1877.*

SIR: I beg herewith to advise you of the occupation of this port by the forces of Porfirio Diaz on the 15th of January, on which day General F. O. Arce, military governor and *gefe militar* of this State under Lerdo, took refuge in this consulate. On the 18th of January I had an interview with Col. Jesús Ramirez, commanding forces of Porfirio Diaz, and informed him that General Arce was under the protection of this consulate. Colonel Ramirez assured me that the consulate would be respected, and further gave General Arce all personal guarantees. Notwithstanding these assurances, on the evening of the 2d of February a large body of armed men did forcibly enter this consulate in my absence, and without my knowledge and consent, and removed, by force of arms, therefrom the person of General Arce.

I addressed Colonel Ramirez on the 3d instant, copy of which I inclose, advising him that the manner of arresting General Arce indicated an international lack of courtesy toward this consulate. On the 10th instant Colonel Ramirez called at this consulate with two aids and informed me that he was satisfied that an outrage (*ultraje*) had been committed on this consulate; that he intended to make the fullest reparation by replacing General Arce in this consulate, and to punish the officer making the arrest. I have not received any communication from Colonel Ramirez, nor have any steps been taken which might be construed as making reparation for an acknowledged insult to this consulate up to this moment.

\* \* \* \* \*  
I remain, &c.,

E. G. KELTON,  
*United States Consul.*



[Inclosure 2 in No. 510.]

*Mr. Kelton to Mr. Ramirez.*CONSULATE OF THE UNITED STATES,  
*Mazatlan, Mexico, February 3, 1877.*

SIR: I feel obliged to call your attention to an interview I had with you on the 18th day of January, 1877, relative to General F. O. Arce, then under the protection of this consulate, in which interview you assured me that General Arce would be permitted to remain in this consulate free from molestation or arrest.

Notwithstanding these assurances, on the evening of the 2d day of February a large body of armed men did forcibly enter this consulate during my absence, without my knowledge or consent, and removed therefrom by force the person of General Arce.

I deeply regret to be obliged to call your attention to the manner of arresting General Arce as indicating an intentional lack of courtesy toward the consulate I have the honor to represent.

I deem it my duty to refer the matter to the Government of the United States.

I have, &c.,

E. G. KELTON,  
*United States Consul.*

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No. 220.

*Mr. Foster to Mr. Evarts.*

No. 516.]

LEGATION OF THE UNITED STATES,  
*Mexico, March 30, 1877. (Received April 13.)*

SIR: At the date of my last dispatch on current events, Governor Alvarez was still resisting the authority of Diaz in the State of Guerrero. Since then the sea-port of Acapulco has been occupied by the Diaz forces, and it is reported that Alvarez has submitted, or at least has ceased his opposition, so that there is now no armed resistance to Diaz in any part of the country. A reasonable degree of peace and order prevails throughout the republic, and the authority of General Diaz is everywhere recognized.

The time fixed for the opening of Congress by the electoral convocation of December 23d last, was on the 12th instant, but at that date there was only a small minority of members present, and owing to the want of a quorum the regular sessions have not yet been inaugurated. It is announced, however, that the requisite number of members of the House of Deputies is now present, and that within a few days, as soon as the credentials are examined, that body will be formally opened by General Diaz.

The electoral convocation made no reference to the Chamber of Senators, and neither provided for the election of new members, as in the case of the Chamber of Deputies, nor for its meeting at the time fixed for the other legislative branch of the government. At the time the convocation was issued, it was supposed to be the intention of the new government to abolish ommissively the Senate, notwithstanding its existence is sanctioned by express constitutional enactment. It is now reported that General Diaz desires to rectify this omission in the electoral convocation, and to conform to the constitution by assembling the Senate.

Connected with this subject is the question of the powers and character of the Chamber of Deputies. According to the constitutional order, the present session should be devoted to the consideration of the financial budget, should terminate its functions on the 31st of May as the Eighth Congress, and an election for the Ninth Congress be held in June or July next.

The question is therefore suggested as to whether this is to be considered the last session of the Eighth, or, by virtue of the revolutionary convocation, the Ninth Congress.

The doubt is also raised as to whether, under the constitution, one branch of the legislative power can exercise its functions without the concurrent session of the other. The cabinet of General Diaz is understood to maintain that the Chamber of Deputies can, without the session of the Senate, legally discharge all such duties as are by the constitution exclusively delegated to it, as the revision of the returns of the electoral colleges, and the declaration of the result of the election for President and the Federal Supreme Court, as also the consideration of the appropriation bills.

These subjects will give special interest to the proceedings of the deputies. It is supposed that one of their earliest acts will be the formal declaration of the election of General Diaz as constitutional President, as he has received almost unanimously the votes of the electors. He will then terminate his provisional or revolutionary term, and, taking the oath anew, enter upon what will be styled his constitutional term as President.

Mr. Lerdo, under date of February 24, from New York City, and Mr. Iglesias, under date of the 15th instant, from New Orleans, have issued their respective manifestoes to the Mexican people, each claiming to be the constitutional custodian of the executive power, and announcing their determination to persist in their claims. I do not inclose copies of these papers for the reason that, having been issued in the United States, it is presumed that you are informed of their contents.

These publications indicate a renewal of strife in this republic, and a continuance of the revolutionary era.

A number of prominent public men, adherents of Mr. Lerdo, have been during the past week summarily arrested in this city and sent to Vera Cruz, suspected of conspiracy against the existing government.

I am, &c.,

JOHN W. FOSTER.

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No. 221.

*Mr. Foster to Mr. Evarts.*

No. 528.]

LEGATION OF THE UNITED STATES,  
*Mexico, April 24, 1877. (Received May 15.)*

SIR: On the 21st instant I received your dispatch, No. 379, of the 31st ultimo, with which you transmit a copy of a communication and its accompaniments from the Secretary of War, embracing a report from Colonel Shafter concerning recent incursions of Indians from Mexico into Texas.

In accordance with the indication contained in your dispatch, I called upon Mr. Vallarta, at the foreign office, on yesterday, gave him the facts contained in Colonel Shafter's report, and represented to him the manner in which Colonel Shafter's recommendation for authority to cross the border in pursuit of the raiders had been received by our government. Whereupon a lengthy conversation followed on the general subject of the Texas-border troubles.

I recalled to Mr. Vallarta's attention the fact that, in one of the first interviews which I had with him after the establishment of General

Diaz's government in this capital, I represented to him in very strong terms the urgent necessity there was to give early attention to the peace and order of that frontier, and in my first audience with General Diaz I made the same representations to him, assuring him that it was essential to the maintenance of cordial relations between the two countries. I stated that the recent occurrences on that frontier had fully confirmed me in the suggestion which I first made to him, that a military officer of high rank, character, and prudence should be sent to the Rio Grande with a sufficient force of regular federal troops to repress the marauding bands, and compel the local authorities to co-operate in enforcing order and punishing the murderers and robbers.

I expressed regret that my suggestion had apparently had so little effect, as the only person sent to that frontier was General Blanco, who went to Matamoras simply on a political mission, unaccompanied by any federal force, and that his mission, if I had not been incorrectly informed, had proven the truth of the position frequently assumed by me, that the State and local authorities in that region pay very little regard to the orders or wishes of the federal government, as Governor Canales, of Tamaulipas, refused to recognize General Blanco's authority or to be governed by his orders, and that he found it necessary to return to this capital, and I feared it was the same with the other authorities on the Mexican side of the Rio Grande; so that Mr. Vallarta's government ought not to consider it strange that the military officials of Texas should deem it necessary to have authority to pursue the marauders into Mexican territory and punish them for their murders and robberies. This was no new declaration for me to make, as he would see by an examination of my correspondence and interviews with his predecessors in the foreign office.

I referred to the fact that notwithstanding my repeated remonstrances with the past administration for a series of raids into Texas from Mexico, resulting in murders, arson, plundering of government post-offices and custom-houses, robberies, and other outlawry, up to the present time not a single punishment had resulted on the part of the Mexican authorities. The only action taken by the federal authorities during my residence which indicated any vigor or decision was the arrest of General Cortina by order of Mr. Lerdo, and that simply resulted in bringing him to the capital to release him on parole. And it appeared that the government of General Diaz had in his recent arrest even treated him with greater consideration, as it had rescued him from the death-penalty which Canales had caused to be pronounced against him in Matamoras, and, according to the public press, had brought him to this city to be acquitted of all blame.

Mr. Vallarta replied that General Diaz was fully impressed with the importance of preserving the peace of the Rio Grande border, as he had so freely expressed to me, and was desirous of doing all in his power to that end; but that up to the present he had not been able to adopt such measures as he desired, owing to the difficulties necessarily incident to the readjustment of public affairs after the triumph of the revolution. He said that his government agreed with me that it was desirable to send to that frontier an able and prudent general, with a sufficient federal force, to co-operate with the American military authorities; but in order to make this co-operation fully effective it was highly desirable, first, to have the official relations between the two governments restored.

I answered, that the peace of that region ought not to be endangered by a delay in sending a federal force awaiting the recognition of General Diaz's government. Mr. Vallarta acquiesced in this, but said that

it appeared important that an understanding be arrived at whereby the American and Mexican military authorities might be able to co-operate in their movements against the Indians and other raiders and outlaws, and that such an agreement should be made by or have the approval of both governments, and that the non-existence of official relations stood in the way of such an understanding. He referred to the reported crossing of Colonel Shafter at Piedras Negras early in this month as a violation of Mexican territory, which did not appear to have the justification alleged in his (Colonel Shafter's) recommendation to our government, as the crossing of the river was not in pursuit of either Indians or other raiders, but to demand the surrender of persons arrested in Mexico by its authorities. To which I responded, that I was not authorized to discuss that occurrence, as I had as yet received no information or instructions concerning it; but, from my acquaintance with the treatment which the Rio Grande troubles had received from the Mexican federal and local authorities in the past four years, I was not surprised to be informed that events had occurred which, in the judgment of our military officers, had made a crossing of the border necessary.

Referring to the visit of General Blanco to Matamoras, Mr. Vallarta said that his mission was purely of a political character, growing out of the difficulties existing between Revueltas, Cortina, and Canales; but he did not deny my allegation of the insubordination of Canales, now in command at Matamoras. He stated that this visit had resulted in the removal from that region of General Cortina, who was regarded as one of the chief causes of the border troubles, and that his government considered that as an important step in the direction of pacification, and that whatever might be the treatment he would receive here he would not be permitted to return to the Rio Grande.

Mr. Vallarta was quite earnest in impressing upon me the desirability in this connection of restoring the official relations between the two countries, upon which event, he said, depended the adjustment also of other questions, to which he alluded in passing, but which need not be referred to in this dispatch.

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In this connection, it may be proper to refer to the fact that early last year I obtained an assurance from the Mexican Government that it would remove the small bands of Indians in Mexico, near the Texas frontier, to distant points in the interior of the country, and place them under such surveillance as to prevent their raids into Texas.

But the administration of Mr. Lerdo was so occupied with the revolution that it never carried out this resolution. I hope with the establishment of official relations to have this measure, so important for our frontier protection, carried into execution.

I am, &c.,

JOHN W. FOSTER.

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No. 222.

*Mr. Seward to Mr. Foster.*

No. 390.]

DEPARTMENT OF STATE,  
Washington, May 16, 1877.

SIR: Your dispatches Nos. 528, 529, and 530, as well as your unofficial and confidential letter of April 28, and your telegram of May 7,

have been received and carefully considered. They present clearly the extraordinary condition of affairs in Mexico.

The Government of the United States in its dealings with the Mexican Republic has aimed to pursue not merely a just but a generous and friendly course. While earnest to guard and protect the rights of its own citizens and the safety of its own territory, it does not seek to intervene in political contests or changes of administration. It is accustomed to accept and recognize the results of a popular choice in Mexico, and not to scrutinize closely the regularity or irregularity of the methods by which presidents are inaugurated. In the present case it waits before recognizing General Diaz as the President of Mexico until it shall be assured that his election is approved by the Mexican people, and that his administration is possessed of stability to endure and of disposition to comply with the rules of international comity and the obligations of treaties.

Such recognition, if accorded, would imply something more than a mere formal assent. It would imply a belief that the government so recognized will faithfully execute its duties and observe the spirit of its treaties. The recognition of a president in Mexico by the United States has an important moral influence which, as you explain, is appreciated at the capital of that republic. It aids to strengthen the power and lengthen the tenure of the incumbent, and if, as you say, the example of the United States in that regard is one that other nations are disposed to follow, such recognition would not be without effect, both upon the internal and the external peace of Mexico. You justly remark, that in fifty years there have been about sixty changes of administration in Mexico, and it may be added that those administrations have been longest lived that were most faithful and friendly in the discharge of their treaty obligations to the United States.

When the recent revolution resulted in placing General Diaz in the position of chief magistrate, this government learned with satisfaction that he was desirous that the obligations of Mexico, under the treaty of July 4, 1868, between the two countries, should be faithfully observed, and that he had accordingly sanctioned the prompt payment of the installment of two hundred and fifty thousand five hundred and one dollars in gold.

But it is a subject of grave regret that in other respects the customs of friendly intercourse and the obligations of treaties have been neglected, disregarded, or violated. Doubtless, in many cases, the central government was powerless to prevent these infractions. But they are such as this government cannot allow to pass without remonstrance, nor without insisting that it is the duty of a friendly power to use the means at its disposal to check or repress them. There have been raids and depredations upon the Texan frontier; theft, murder, arson, and plunder; violation of post-offices and custom-houses; incursions by armed men to destroy life or property; cattle-stealing has become a profitable occupation; military officials posted to protect the frontier are said to have protected the robbers; forced loans have been demanded, and American citizens have been compelled to submit to unjust and unequal exactions. Within the past few weeks the guides of an American commander have been seized and carried into the interior, with threats of summary execution; and a consul of the United States, in gross violation of international comity, has been imprisoned. For each and all of these acts, many of them committed, if not with the sanction at least in the name of the Government of Mexico, not one single man, so far as is known to this government, has been punished.

It is not difficult to believe that General Diaz and his minister of foreign affairs earnestly desire friendly relations and recognition on the part of the United States, and it is gratifying to receive the assurances unofficially made through you that they are disposed to adjust and rectify these complaints and grievances, and are not unwilling to consent to some arrangement for concerted action between the military commanders of the two countries on the frontier for the preservation of peace and order and the protection of life and property. It is natural that Mexican statesmen should urge upon you the argument that the restoration of official relations between the two governments would open the way toward such an adjustment. But it is natural, on the other hand, that the Government of the United States should be disposed to believe that some guarantee of such an arrangement should be made the condition precedent to any recognition, rather than to trust to the possibility that it may ultimately follow.

In continuing your present unofficial and informal communications with the Mexican Government, you may present these views, in whole or in part, at your own discretion, not failing, however, to let it be clearly understood that while the Government of the United States seeks amity and cordial relations with their sister republic, they prefer to await some evidence that their friendship will be reciprocated.

I am, &c.,

F. W. SEWARD.

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No. 223.

*Mr. Foster to Mr. Evarts.*

No. 538.]

LEGATION OF THE UNITED STATES,  
*Mexico, May 28, 1877. (Received June 8.)*

SIR: In a call which I made at the foreign office on the 24th instant, in giving to Mr. Vallarta the information contained in General Ord's report of Colonel Shafter's crossing at Piedras on the 3d ultimo, transmitted with No. 385, of the 2d instant, Mr. Vallarta referred to the apparent impunity extended to the Lerdist chief, Valdez, by the American authorities in Texas, whose hostile crossing of the Rio Grande is referred to in my dispatch No. 537 of to-day. I answered Mr. Vallarta that I knew nothing of the facts alluded to except as I had seen them in the dispatches sent by the Mexican authorities to the government here as published in the official journal; but I presumed the American military and civil officers were pursuing the same course toward the partisans of Mr. Lerdo as they observed last year toward General Diaz, in which case there ought to be no cause of complaint on the part of the existing government here. It was to be borne in mind that General Diaz was permitted to remain undisturbed in Brownsville for a considerable period while the revolution of which he was the recognized head was progressing in Mexico; that there was good reason to suppose that at that time he was conspiring with his partisans across the frontier and making contracts with American citizens for arms and other munitions of war; that he crossed into Mexican territory and engaged in an armed expedition against the recognized authorities, and was afterward driven across the border into American territory, and thence returned to Mexico unmolested by the officials of the United States. It did not appear that greater immunity had been afforded thus far to the partisans of Mr. Lerdo.

Mr. Vallarta replied that Valdez was not engaged in legitimate warfare, but purely in a system of plunder, kidnapping, and outlawry.

I answered that I supposed the American authorities were not responsible for such acts committed on Mexican soil by Mexican citizens; but our officials had complained that among General Diaz's partisans in the recent revolution there were chiefs guilty of outrages upon American citizens similar to those which he (Mr. Vallarta) charged against Valdez; and I cited some of the acts of Cortina in Tamaulipas, and Trias in Chihuahua.

It may not be amiss, however, for me to suggest in this connection that our authorities on the frontier be enjoined to observe strict impartiality in the Mexican conflict, and see that the neutrality laws are not violated.

I am, &c.,

JOHN W. FOSTER.

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No. 224.

*Mr. Foster to Mr. Evarts.*

No. 543.]

LEGATION OF THE UNITED STATES,  
Mexico, June 5, 1877. (Received June 30.)

SIR: The communication of which I inclose a copy from Consul Sutter to Consul-General Skilton, reports the arrival of Rear-Admiral Murray, with the United States steamer Pensacola, at Acapulco, on the 1st ultimo, and through the admiral's intervention the insult offered to our flag, in the unlawful and arbitrary arrest of the consul in March last, was formally retracted by a salute fired from the Mexican fort of Acapulco, and by an official visit made by the authorities of that port to the consulate.

It will be seen by the copy of the judgment of the Mexican court inclosed that Consul Sutter has been fully exonerated from any violation of Mexican law, and acquitted by the court of any fault; so that, by the action of the judicial authority, the arbitrary arrest and imprisonment of the consul by General Jimenez were unjustifiable and illegal.

The question of reparation of damages for Mr. Sutter's imprisonment still remains unadjusted, as also the injuries and losses sustained by Mr. Kastan on account of the seizure and confiscation of his property. I am awaiting documentary evidence and other facts to more fully establish these damages, when I will present these matters to the Mexican Government, and urge an early adjustment.

In my No. 534 I sent you a translation of a note from the minister of foreign affairs, in which he informed me that General Jimenez, military governor of Guerrero, on account of his failure to obey the orders of the federal government in regard to the consul's arrest and the seizure of Kastan's property, and for other acts of insubordination, had been deposed from his office.

It appears, however, that before the federal government carried out the order of deposition, the people of the State of Guerrero, under the leadership of the former governor, General Alvarez, revolted against the arbitrary measure of Jimenez, and drove him by force of arms from the State, and he recently arrived in this capital. His reception in this city was announced by the official journal of the government, the *Diario Oficial*, of the 1st instant, in the following language:

GENERAL VICENTE JIMENEZ.

In compliance with superior orders the meritorious chief whose name heads these lines has arrived in this capital.

If the government has taken any step to call him to account for his conduct in Acapulco it has not yet been made public.

I am, &c.,

JOHN W. FOSTER.

[Inclosure 1 in No. 543.]

*Mr. Sutter to Mr. Skilton.*

No. 49.]

UNITED STATES CONSULATE, ACAPULCO, *May 13, 1877.*

DEAR SIR: Confirming to you my respects to 46, of April 26 ultimo, with press copies, and a communication from Mazatlan, and my private letter of April 30, with inclosure for Mr. Bonilla, I now beg to advise you that Admiral Alexander Murray arrived here in the Pensacola on the 1st instant, and that the United States steamer Lackawanna arrived on the 2d instant. The Mexican gunboat Mexico arrived from the port of Papanoa with Commissioner Zenteno and General Rafael Jimenez, the son of General Vicente Jimenez, on board.

When the admiral inquired into my affairs, in an unofficial visit he paid to the authorities here, he was told that I was free; that they had nothing against me; that Mr. Kastan had never been molested much; that only a little grass had been taken away from him, for which they were willing to pay, &c.

The admiral thought they were very polite and kind, and on the 5th, at their request, sent the band on shore and assisted unofficially, not in uniform, at their celebration of the anniversary of the battle of Peubla. But as soon as they complained to him that the consulate was closed, and that I had hoisted no flag in honor of the day, the admiral then told them that they must at once settle my case, and, for the insult offered to the consulate, fire on the day following, in front of the consulate, a salute of seven guns.

It appears that they at once acceded to this request, with the condition that I should hoist the flag for the rest of the day.

The admiral advised me of the arrangement, and in compliance therewith I at once (2 p. m.) hoisted the flag. On the 6th the military commander offered to fire the salute at 9 a. m., but I sent him word that I could not accept it as long as the case before the court was not decided, and as long as I actually was a prisoner, merely released with bond on a surgeon's certificate of ill-health.

Another interview then took place on board the Pensacola between the admiral and the authorities of Acapulco, at which I assisted, and, after many subterfuges and evasive replies on their part, they again promised that my case, which after the delivery of my defense to the judge still remained *in statu quo*, should be decided and sentence pronounced on the day following, and that then, after this, the salute should be fired.

On the 7th, Mr. Zenteno, the commissioner from Mexico, called on me early in the day, trying to arrange matters, overwhelmingly polite, and assured me that he would do all he could in an officious manner to prevail upon the judge to render a just sentence, which no doubt would be favorable to me, and that, also, he was willing to have an interview with Mr. Kastan at once, and commence the preliminaries for a settlement of damages suffered by Mr. Kastan at the hands of Jimenez, throwing the blame of all the unpleasant occurrence at Acapulco, and in the State of Guerrero in general, on Mr. Condes de la Torre, &c.

On the 8th nothing was done in my case. Mr. Kastan had an interview with Mr. Zenteno, the result of which was an account for damages suffered, made out by Mr. Kastan, and presented to Mr. Zenteno for his perusal.

The claims made by Mr. Kastan are not exorbitant, and quite reasonable.

On the 9th, finally, I was notified by the judge to appear with my bondsman, and the final sentence, admitting I had acted only in self-defense, and exonerating me from all blame, was communicated to me and the bonds canceled. I inclose copy of the sentence. You will perceive that it is dated April 18, but a note was made in the "causa" that, on account of the present abnormal state of affairs, the sentence was communicated to me only now. I should like to know what it has to do with it.

After the sentence had been communicated to me, Mr. Zenteno paid me another visit, congratulating me, &c., and asked me if they could not fire the salute in the fort, alleging that their soldiers were so ragged. I replied to him the admiral was the only person to decide the matter, and that I would lay it before him at once. I repaired immediately on board the Pensacola, and informed the admiral of what was going on.



(The admiral on arrival had already saluted the Mexican flag, and the Mexicans had returned his national salute of 21 guns with but 15. They had been then by me apprised they must fire another salute of 21 guns, and had to do so.) The admiral resolved they must fire a consular salute of seven guns in front of the consulate, or a national salute of 21 guns from the fort; that at the first gun I must hoist the flag, and that he would run up the Mexican colors; all of which I communicated to Mr. Zenteno, and finally the salute was fired in front of the consulate on the 10th of May at 4 p. m. Two Mexican officials appeared at the consulate; also the Americans residing at Acapulco, and some officers of the war-vessels in port. Some wine was drank, and short toasts of the usual form were made, and the matter closed.

Half an hour after, the admiral accompanied by Captain Irwin of the Pensacola and Captain McCann of the Lackawanna, and his staff, all in full uniform, came to the consulate, and then we paid a formal official visit to General Rafael Jimenez. A short speech was made by the admiral, and very politely replied to by General Jimenez.

On the 11th, at 11 a. m., General Jimenez, accompanied by Mexican naval and army officers, and by me, called upon the admiral, who had ordered the ship ready for inspection, and led the general all over the ship, which really looked very fine, and must have impressed the visitors quite favorably. A salute of thirteen guns was fired in honor of the general, and the Mexican flag run up as he left the ship.

The admiral certainly deserves great credit for the polite, diplomatic, but firm way by which he obtained the desired end.

The admiral left yesterday with his ship on his way to San Blas and Mazatlan, leaving the Lackawanna, Captain McCann, here for our protection. At the instance of Mr. Zenteno, Kastan agreed to have the losses sustained by him, in connection with his ginning establishment, agreed upon by arbitrators, one to be appointed by each party. The arbitrators so appointed yesterday appraised said damages at \$11,500. The bills for "Hacienda de San Márcos," "La Providencia," and horned cattle stolen will follow next week.

Still it appears that Mr. Zenteno does not show himself quite as willing to arrange matters quick, since the admiral's departure, but he might find himself mistaken in Captain McCann, should he attempt to play truant. As he says he has no authority to issue orders on the custom-house for damages awarded, I shall have to apply to you and to Mr. Foster for orders on the custom-house at Acapulco or Mazatlan and Manzanillo.

Our situation here is very bad. General Jimenez (father), after having met severe losses at the hands of General Alvarez in the encounters at San Gerónimo on April 28 and May 5, is now intrenched with some three hundred men, the remainder of his troops, at a rancho called San Bartolo, on the sea beach some five leagues from San Gerónimo, surrounded by an overwhelming force of General Alvarez, who has again control of the entire State, except Acapulco, and, as far as I can learn from Jimenez and his officials, through his arbitrary and cruel acts brought the entire State to exasperation and compelled the people to defend their own against oppression. He will have to surrender or be killed in the next attack, which now may take place any day. Acapulco is held by about one hundred men only (most having deserted), under command of General Rafael Jimenez and Colonel Vicente Sanchez, protected by the gunboat Mexico, to which the principal chiefs will have to retire in case of an attack of the Alvarez troops, holding all of the roads as far as the toll-gates, as well as the mountains around Acapulco, the beaches in the eastern part of the bay, Marqués Bay, without letting any pass into town. Fresh provisions are getting very scarce, as very little of anything was in town when the siege commenced. Should the siege continue another week, no beef or corn, &c., will be in the market. Fruit, fowls, eggs, &c., vegetables, we have not had for a week. Should anything of importance take place before the departure of Vicente Lopez, the bearer of the present, I shall not fail to acquaint you with it.

Your obedient servant,

JOHN A. SUTTER,  
*United States Consul.*

Hon. JULIUS A. SKILTON,  
*United States Consul-General, Mexico.*

P. S. Mr. Kastan this moment hands me a communication addressed to him by General Vicente Jimenez, dated April 25, 1877, but given to him to-day only, advising him that he had given orders to the proper authorities to place him in possession of his property which had been seized.

Without the presence of the admiral, and a gentle pressure on them by him, nothing ever would have been done by them toward the settlement of the matter.

[Inclosure 2 in/No. 543.—Translation.]

*Judgment of the court of Acapulco.*

[A seal which says: "Court of the first instance of Acapulco."]

ACAPULCO, April 18, 1877.

Having examined the case instituted against Mr. John A. Sutter, on account of a wound inflicted on Francisco Ayon, the evening of the 4th day of January, ultimo, by firing a pistol at him; and considering, 1st, that according to the evidence of the trial, said Ayon, without any legal right, went to the store called El Bazar del Pacifico, in search of Mr. Sutter, speaking of him insultingly, and not finding him there started to the consulate, arriving near the doors, armed with two stones; 2d, the accused being in his office and seeing Ayon approach in a threatening attitude and insulting him, endeavored to intimidate him by showing him a whip which he held in his hand; Ayon, on account of which becoming more animated, took no heed of that threat, advancing with more violence towards him (the accused) in order to strike him with a stone, as appeared from the demonstration he made at the time, on which account the witness, Anselmo Camacho, who, being in the said consulate (where for political reasons he was concealed), witnessed the encounter, was going to shoot him with a pistol; 3d, that the said Mr. Sutter attempted to avoid the encounter by the means he considered most appropriate, as appeared from the proceedings; 4th and last, that the aforesaid Mr. Sutter was unjustly attacked in his own office, and that if he repelled his aggressor, he never had the intention to kill him, nor was the pistol used sufficient to cause death at the distance which Ayon was from him when he fired, and besides, the good reputation and conduct of Mr. Sutter, are public and notorious, in view of which and the groundlessness of the charge made by the representative of the ministry of justice, the case should be considered as comprehended in clauses 8 and 14 of article 34 of the penal code, and § 2, title 8, and page 7, and § 1, title 21, book 12, of the Ninth Recapitulation.

In view of the foregoing, and it having been proven that Mr. Sutter acted in self-defense in repelling an actual imminent, violent, and unlawful aggression, which excludes criminal responsibility according to the previously-cited article of the penal code, it ought to be decided, and I do decide, first, Mr. John A. Sutter is absolved from all criminal responsibility for the wound which he inflicted on Francisco Ayon, and in consequence the civil responsibility remains without effect. Make known and remit these proceedings to the superior tribunal for its revision as soon as it is installed in the state. Thus the citizen-judge of first instance rendered judgment and signed. I bear witness.

JOSÉ MA. LLORENTE.  
L. CANTÚ.  
DANIEL H. LUZ.

A true copy of the original, to which I certify.  
ACAPULCO, May 9, 1877.

J. M. LLORENTE.  
L. CANTÚ.  
DANIEL H. LUZ

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No. 225.

*Mr. Foster to Mr. Evarts.*

No. 545.]

LEGATION OF THE UNITED STATES,  
*Mexico, June 16, 1877. (Received June 30.)*

SIR: On the 30th ultimo the German minister-resident sent to the minister of foreign affairs an autograph letter of the Emperor of Germany, in response to the letter of General Diaz informing him of his assumption of the Presidency of Mexico, and the minister-resident accompanied the imperial letter with an official recognition of the government of General Diaz.

This action was followed on the 7th instant by the minister plenipotentiary of San Salvador and Guatemala, and to-day by the minister plenipotentiary of Spain.

I am, &amp;c.,

JOHN W. FOSTER.

No. 226.

*Mr. Foster to Mr. Evarts.*

No. 550.]

LEGATION OF THE UNITED STATES,  
*Mexico June 20, 1877. (Received July 16.)*

SIR: Yesterday afternoon I called, by appointment, at the foreign office (having been unable on the day previous to find the minister in the department) and read to Mr. Vallarta the greater portion of Mr. Seward's dispatch No. 390, of the 16th ultimo, on the subject of the recognition of the government of General Diaz. After the reading a lengthy conversation followed. Mr. Vallarta insisted that the government of General Diaz possessed all the conditions of recognition required by international law and the practice of nations, and as a proof of this cited the fact that the European powers represented in Mexico as well as Central American republics, had already recognized the present government, leaving the United States in a singular and independent position, which he sought to explain by the unfriendly attitude of the administration of President Hayes. He claimed that the present Government of Mexico had manifested every possible disposition to comply with the obligations of treaty and comity toward the United States; that it had promptly paid the first installment on the Mexico claims awards under the most difficult circumstances; and that it had held itself ready to give all reasonable guarantees for the preservation of peace on the frontier and for the protection of American interests in Mexico; but as he (Mr. Vallarta) had stated to me on other occasions, the adjustment of these questions would properly follow recognition, especially where they required treaty stipulations.

Mr. Vallarta expressed regret that there had been an apparent change in the policy of the Government of the United States with the advent of the new administration; that Mr. Fish had interposed no objection to the receipt of the claims installment from the *de facto* government, and there appeared to have been good reason to believe that with the inauguration of General Diaz as constitutional president, he would be recognized as such by the United States as he had been by the European nations. He claimed to have had private advices from New York and Washington that the present administration had been operated upon by the machinations of ex-President Lerdo and certain American gentlemen who had personal and sinister purposes to accomplish, and that it had yielded too readily to the representations of General Ord, who was an annexationist and seeking to precipitate a war between the two countries.

Mr. Vallarta then referred with much feeling to the order of June 1 of the Secretary of War to General Sherman, containing the instructions to General Ord. He said that when the substance of the order was telegraphed to the government here it refused to believe that it was true, because it could not comprehend that the United States would manifest such a hostile and aggressive attitude toward Mexico, especially without any previous notice of its intention. The government therefore awaited the arrival of the mail with much interest, hoping to be advised that the telegraphic account was untrue or exaggerated. But by this medium the hostile attitude of the government at Washington was fully confirmed. He said that in discharge of a solemn duty, the Mexican secretary of war had issued orders to General Treviño and the northern division of the army to repair at once to the frontier of the Rio Grande, and then gave me the instructions embraced in

said order. He hoped for the preservation of peace, and General Treviño was instructed to exert himself to maintain it, but if the orders to General Ord were carried out and Mexican territory were violated, the consequences might be of the gravest character. Mr. Vallarta said that Secretary McCrary in his order to General Sherman had disregarded all the rules of international law and the practices of civilized nations, and treated the Mexicans as savages, as Kaffirs of Africa; that an absolute declaration of war would have been more considerate, as the national honor and the sovereign rights of the republic would not in that way have been so completely disregarded.

If through diplomatic channels notice had been given to Mexico of an ultimatum regarding the frontier, and it had then neglected to render satisfaction to the United States, there might be occasion to consider the propriety of issuing orders such as those given to General Ord; but, in the manner in which the orders had been issued, the cabinet at Washington had sought to place Mexico beyond the pale of civilized nations. The government, he said, had just received intelligence from General Treviño that, upon the invitation of General Ord, he had gone to the frontier to hold a conference with him, and that General Treviño had been advised of the desire of the government that he should co-operate with the American troops in suppressing the raids, but that it would never permit its territory to be violated by American troops, in the manner indicated in the order of Secretary McCrary, without repelling them by force of arms. No government could stand in Mexico for a moment against the popular indignation, if it did not assume this attitude.

I answered Mr. Vallarta that, so far as recognition was concerned, every nation must be its own judge as to the time and manner of accepting a new and revolutionary government as the only representative of the people over whom it claimed to be established.

The Secretary of State, in the dispatch which I had just read, had confirmed the assurance which I gave him months ago, that the United States did not seek to intervene in the internal politics of Mexico; but he had also expressed the deep interest which the United States felt in the stability of whatever government it might recognize in this republic, and the desire it had to know of its ability and its disposition to comply with its international obligations both on the frontier and toward American citizens and interests within the country.

The position of the United States toward Mexico was very different from that of the European nations which had recognized General Diaz. We have a long line of coterminous territory, the peace and order of which is very intimately connected with the internal character of the Government of Mexico. The adjoining coasts on both oceans cause our commercial relations and social intercourse to be more seriously affected by the violent changes of its administrations than those of European nations. The interests of American citizens in Mexico are more important. Our treaties are more numerous, and embrace a greater variety of obligations.

For these and other reasons not experienced by European nations the United States are interested in knowing the spirit which animates and the stability which is likely to attend any new government in this country.

If the government of General Diaz has not up to the present time been recognized by that of the United States, it is owing to its own neglect of plain duties. Mr. Vallarta will remember that six months ago, soon after entering the foreign office, I called his attention to the critical condition of affairs on the Rio Grande frontier, and stated that

they more seriously threatened the peace of the two countries than any and all other matters. I referred to the raids into Texas by Mexican banditti, the ravages of the Indians, and the annoyance of the "Zona Libre."

There had been no change of policy on the part of the Government of the United States with the change of administration, as he (Mr. Vallarta) unjustly and I thought inconsiderately asserted.

The receipt by Mr. Fish of the first installment of the claims-award could not be cited as any indication of the intention of my government to recognize that of General Diaz, as Mr. Vallarta would remember that it was expressly understood between us before the commissioner left Mexico to make the payment that its receipt was not to involve the question of recognition in any manner. The records of the Mexican foreign office will show that the present policy of my government as to the frontier is the same as that assumed or foreshadowed during all my residence in Mexico. Early in March last I conveyed to him the contents of a dispatch from Mr. Fish, in which the impression was expressed that the United States, prior to deciding in favor of official recognition of the Diaz government, would expect that efficient measures would be taken toward checking inroads into their States and territories, and toward the repeal of the "Zona Libre." (See Department dispatch No. 370.) I have lost no opportunity in the past six months to bring the subject of the Texas border to his (Mr. Vallarta's) attention. I have been assured of the good intentions of General Diaz's government, but up to the date of the order of Secretary McCrary absolutely nothing had been done in that direction, so far as I was informed.

Referring to Mr. Vallarta's remark concerning the influence and motives which caused the issuance of the order of Secretary McCrary, and the interpretation which he placed upon the order, I expressed my regret in seeing that Mr. Vallarta partook so fully of the popular feeling and prejudice which was manifesting itself in the city. I was sorry he should give so much consequence to the reports which reached him from the United States, as to the influence which interested private citizens and exiled Mexicans had upon the cabinet at Washington. I asked him how he knew that General Ord was an annexationist, and seeking to precipitate a war. He said that such were the reports which he had received. I replied that if they were official reports my government was entitled to know their basis. He said they were merely rumors. I answered that he should not then accept them as facts, without further inquiry. General Ord, I said, was one of our most distinguished generals, and had been selected for the important post which he occupied on the frontier on account of his prudence and ability, and that such charges against him were unworthy of consideration, in the form in which they came. Mr. Vallarta disclaimed any intention to charge him with improper conduct, and only mentioned the rumors as part of the current news connected with the Rio Grande.

I then entered into a review of the history of the Rio Grande frontier as it had passed under my observation during the past four years, noticing the following points: 1st. The instruction to General Ord is not the announcement of a new measure on the part of the Government of the United States. 2d. The depredations of the past four years have not been common to both sides of the frontier. 3d. Mexico has taken no adequate or vigorous measures to prevent the depredations or punish outlaws. 4th. Mexico has frequently acknowledged its inability to discharge its duty in regard to the preservation of peace on the Rio Grande frontier, giving as a reason its internal dissensions. 5th. The instruc-

tions to General Ord are misinterpreted by the Mexican Government; and 6th, in view of the foregoing facts, the declaration of the Mexican minister of war is unwarranted wherein it is asserted that the instructions to General Ord are in contradiction with treaties between the United States and Mexico, with the rules of international law, and even with the practice of civilized nations.

These points will be referred to at greater length in a subsequent dispatch. (See my dispatch No. 560.)

In connection with the embarrassments attending border affairs, I referred to the fact that the governors of all the Mexican States on the Rio Grande were regarded as hostile to the United States. The reputation of Governor Canales, of Tamaulipas, was notorious in both countries. Governor Charles, of Coahuila, was in open opposition to the American officials, as was evidenced by the arrest of the guides of the American troops. General Trias, just elected governor of Chihuahua, in a recent letter to a newspaper of this city, has, over his own signature, manifested his hostile sentiments.

Before taking my leave of Mr. Vallarta I said that this government appeared at least to be awakened to the importance and gravity of the condition of affairs between the two countries; although I feared not in the best temper for a calm consideration of them.

I was ready to take all or any of the pending questions up for examination in detail, with a view to adjusting them. Mr. Vallarta expressed himself as quite desirous of entering upon this examination, and requested that I should indicate the subjects, and solicited suggestions from me.

I promised to call to-morrow at the foreign office and submit to him some memoranda for his consideration.

I am, &c.,

JOHN W. FOSTER.

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No. 227.

*Mr. Evarts to Mr. Foster.*

No. 395.]

DEPARTMENT OF STATE,  
Washington, June 21, 1877.

SIR: I transmit a copy of letters to this Department from the Secretary of War, of the 13th, 15th, and 16th instant, with their accompaniments. They relate to a conflict between troops in the service of Diaz and other forces, supposed to be in the interests of Lerdo, on the Rio Grande frontier. It seems that the Diaz troops, after defeating and routing their adversaries on Mexican soil, pursued them into Texas, where they again attacked and dispersed them. This was a violation of the territory of the United States which you will lose no time in remonstrating against.

While it is deemed hardly probable that this unjustifiable invasion of American soil was made in obedience to any specific orders from the Mexican capital, it is, nevertheless, a grave violation of international law, which cannot, for a moment, be overlooked. You are instructed to call the attention of the officers of the *de facto* government with whom you are holding unofficial intercourse to this case, and to say that the Government of the United States will confidently expect a prompt disavowal of the act, with reparation for its consequences, and the punishment of its perpetrators.

I am, &c.,

WM. M. EVARTS.

[Inclosure 1 in No. 395.]

*Mr. Crosby to Secretary of State.*WAR DEPARTMENT,  
Washington City, June 13, 1877.

SIR: I have the honor to transmit for your information copy of a telegram from General Sheridan, communicating a dispatch from the adjutant-general, Department of Texas, relative to two engagements alleged to have taken place between Mexican troops and revolutionists under Valdez, the first occurring on the Mexican side, the latter on the American side of the Rio Grande; also a copy of a telegram to General Sheridan communicating the action of the President in the premises.

Very respectfully, your obedient servant,

H. T. CROSBY,  
Chief Clerk.

[Telegram.]

CHICAGO, June 12, 1877.

(Received, Washington, June 12, 1877; 1.30 a. m.)

To General E. D. TOWNSEND,  
Washington, D. C.:

The following dispatch from the adjutant-general, Department of Texas, has just been received, and is forwarded for the information of the General of the Army. I would state that the recent telegram from the General of the Army, enjoining a greater degree of caution upon General Ord, was immediately transmitted to him. The man Valdez, referred to in Captain Kelley's dispatch, is, to the best of my recollection, a revolutionary leader in Mexico. He was at one time driven to the American side of the river at Eagle Pass, where he surrendered himself and his troops and was sent as a prisoner to San Antonio, and afterwards released. I think that he is now at the head of a movement in the interests of ex-President Laredo, (Lerdo,) and probably has his backing at San Antonio, where General Escobedo has recently been staying. I presume that the two engagements which Captain Kelley says occurred, one on the Mexican side of the Rio Grande and the other upon our side, took place between some parties commanded by Valdez and the regular troops of the Diaz government. I apprehend nothing from this affair save the ordinary confusion incident to the Rio Grande frontier.

P. H. SHERIDAN,  
Lieutenant-General.

SAN ANTONIO, TEX., June 12, 1877.

The following just received, and answered not to cross:

"FORT CLARK, June 11, 1877.

"To General ORD, *San Antonio* :

"Following just received. My men will be ready to start by midnight. Shall I cross the Rio Grande in pursuit of these troops and attack them if I can overtake them? Please answer at once.

"RAFTER (SHAFTER?)  
"Commanding Post."

"" SAN FELIPE, June 11, 1877.

"" To ACTING ASSISTANT ADJUTANT-GENERAL,

"" *District of Nueces* :

"I have the honor to report that a few moments ago three men of the commands of Winkar and Valdez came into camp in great haste, reporting that yesterday while in camp in Mexico, not far from the mouth of Devil's River, they (Winkar's command) had an engagement with Mexican regular troops, and being defeated fled to the American side of the river and encamped near Painted Caves, about the vicinity of Lieutenant Bullis's old camp. They report that to-day about noon they were attacked in camp by the Mexican troops, and before they had time to escape many were killed. The Mexican troops numbered about 400. Any refugees will be retained in camp here until I receive orders concerning them. I start with all available men—thirty-five—to the scene of the attack. Colonel Martinez is one of the men here.

"" J. M. KELLEY,  
"" *Captain Tenth Cavalry.*"

General Ord left here this morning for Eagle Pass.

TAYLOR,  
Acting Adjutant-General.

[Telegram.]

HEADQUARTERS OF THE ARMY, ADJUTANT-GENERAL'S OFFICE,  
Washington, June 13, 1877.

Lieutenant-General P. H. SHERIDAN,  
Commanding Division Missouri, Chicago, Ill.:

Your dispatch of 12th, concerning crossing of Mexican troops into Texas, read to the President, and orders for our troops not to cross approved.

E. D. TOWNSEND,  
Adjutant-General.

[Inclosure 2 in No. 395.]

Mr. Crosby to the Secretary of State.

WAR DEPARTMENT,  
Washington City, June 15, 1877.

SIR: I have the honor to transmit, for your information, a copy of a telegram from Lieutenant-General Sheridan dated the 15th instant, reporting that Colonel Shafter has interned a number of Mexican soldiers recently engaged in conflicts on the Rio Grande, and who fled to our side of the river; also a copy of the reply of the Adjutant-General of the Army to General Sheridan's question as to what disposition should be made of the persons above referred to.

Very respectfully, your obedient servant,

H. T. CROSBY,  
Chief Clerk.

[Telegram.]

CHICAGO, June 15, 1877.

(Received, Washington, June 15, 1877, 12.40 p. m.)

To General E. D. TOWNSEND,  
Washington, D. C.:

Colonel Shafter, commanding at Fort Clark, Texas, has interned two colonels, two lieutenant-colonels, five captains, and forty-five privates, Mexicans recently engaged in conflicts on the Rio Grande, and who fled to our side. What shall be done with these prisoners? I doubt if they are worth the rations which we will be obliged to issue to them if we keep them.

P. H. SHERIDAN,  
Lieutenant-General.

[Telegram.]

HEADQUARTERS OF THE ARMY,  
Washington, D. C., June 15, 1877.

Lieutenant-General SHERIDAN,  
Commanding Division Missouri, Chicago, Ill.:

Your dispatch concerning interned Mexicans has been submitted to the President, who directs that, if necessary to preserve peace on the borders, they be kept under the present restraint and rationed until further orders.

E. D. TOWNSEND,  
Adjutant-General.

[Inclosure 3 in No. 395.]

Mr. McCrary to the Secretary of State.

WAR DEPARTMENT,  
Washington City, June 16, 1877.

SIR: I have the honor to transmit, for your information, a copy of a telegram of the 11th instant from General Ord, stating that he had anticipated the order not to cross into Mexico, and given instructions accordingly. He repeats a telegram from Mr. Schuchardt concerning Areolo and his band; and states that the Central Government has no troops to maintain its authority on the frontier.

Very respectfully, your obedient servant,

GEO. W. MCCRARY,  
Secretary of War.



[Telegram.]

SAN ANTONIO, June 11, 1877.

General DRUM, *Chicago* :

Telegram regarding raids received. Anticipated that orders (to) cross might stir up central authority. Instructions had been sent to meet such action. At present Central Mexican Government not troops to maintain its own authority on frontier. Following shows :

"EAGLE PASS, June 4, 1877.

"To Colonel SHAFER, *Fort Clark, Tex.* :

"Areola, a noted bandit, terror of all parties, with thirty men, is in the oak timber at La Frieta y Una, a creek that empties about seven leagues above San Felipe into the Rio Grande valley—anti-Diaz. Surprised a detachment at San Juan de Sabinas; captured a lot of horses and arms and eight prisoners. General Treviño, of Diaz's faction, is at Santa Rosa. An American who came yesterday from Monclara says there are not over 200 regular soldiers between here and Saltillo.

"WM. SCHUCHARDT."  
ORD.

Brigadier-General, Commanding.

[First indorsement.]

HEADQUARTERS MILITARY DIVISION MISSOURI,  
*Chicago, June 13, 1877.*

Respectfully forwardel to the Adjutant-General of the Army.

P. H. SHERIDAN,  
Lieutenant-General, Commanding.

No. 228.

*Mr. Foster to Mr. Evarts.*

No. 552.]

LEGATION OF THE UNITED STATES,  
*Mexico, June 21, 1877.* (Received July 16.)

SIR: I inclose herewith a copy and translation of the instructions of the Mexican minister of war, dated on the 18th instant, addressed to General Treviño, commanding the division of the north of the Mexican army. These instructions are occasioned by the receipt of a copy of Secretary McCrary's order to the General of the Army, containing the instructions to General Ord in reference to preventing the raids from Mexico into Texas.

In view of the extraordinary character of the inclosed order, I have protested to the minister of foreign affairs against its unwarranted assertions in regard to the action and intention of our government, and have stated that I regard its spirit as unfriendly and calculated unduly to excite and prejudice the Mexican people against the United States.

I am, &amp;c.,

JOHN W. FOSTER.

[Inclosure.—Translation.]

ORDER OF MEXICAN MINISTER OF WAR.

DEPARTMENT OF WAR.

The United States War Department has issued an order on the 1st instant (a translated copy of which I herewith inclose) authorizing the troops of that country to invade our national territory with the object of pursuing the evil-doers to which it refers, to capture the same, punish them, and recover the property stolen from United States citizens. Although the plenipotentiary of Mexico at Washington, who protested against

that order on account of the offense it implies towards our country, assures the foreign department by telegraph that he has received friendly explanations from the American Government, the President thinks that the honor of the country will not be satisfied except with a modification of the said order in such terms that it shall not be in contradiction, as it is now, with the treaties in force between Mexico and the United States, with the rules of international law, and even with the practice of civilized nations.

The President has already disposed what is convenient in order that the serious questions to which that order has given rise be treated in a suitable form and manner with the Cabinet of Washington; but as its urgency on the frontier of the neighboring republic may occasion conflicts between the two nations even before those questions can be discussed, the same supreme magistrate has deemed it his duty to communicate to you, as commander of the line of the north, certain instructions which may prevent as far as possible the said conflicts, or at least, in an extraordinary case, preserve the honor and dignity of the republic.

Therefore the President determines that, as soon as you receive the present communication, you shall order the division under your command to be situated at such points as you may deem convenient, with the object of protecting the Mexican frontier and preventing that the robbers of either side of the Rio Grande shall remain unpunished for the mere fact of crossing the river. To this effect you will, with the utmost zeal and activity, pursue the evil-doers that may commit any robberies on Mexican territory who seek to escape to the United States, as well as those who, committing any robberies in the neighboring country, shall come to Mexico fleeing from justice, and seeking impunity in our territory. These pursuits which you may order shall only be made within the limits of the republic, and once that the criminals shall have been captured, you will place the same at the disposition of the competent courts.

Mexico has celebrated with the United States an extradition treaty, which was published on the 20th of May, 1862. This treaty is in full force, and you will subject your conduct to the same whenever any criminals captured by your forces be claimed by the military or civil authorities of the neighboring republic, and those that may have committed any of the offenses stipulated in the said treaty.

Whenever, in order to effect the pursuit referred to, it be necessary to act in accord with the military or civil authorities of the United States, you will invite the same, so that they may co-operate with you toward success of the respective operations.

And when you, on the other hand, receive a like invitation from the said authorities, you will zealously endeavor to accede to it, doing everything in your power in order to capture the criminals. This agreement between the commanders and authorities of both countries shall in no case authorize the passing of foreign troops into our territory, an authorization which cannot be granted even by the President of the republic, because fraction 16, article 72, of the federal constitution reserves it exclusively to the Congress of the Union. In obedience to that law, you will by no means consent that the troops of the United States enter our territory, and out of respect to the sovereignty of that republic you will likewise prevent Mexican forces from trespassing on foreign soil.

At the shortest possible time you will communicate to General Ord, or to the superior commander of the United States forces on the frontier, these instructions, acquainting him at the same time with the dispositions you may dictate in order to render them effective. You will also endeavor to accord with the said commander with regard to the operations to be undertaken in combination with him for the capture of evil-doers and their most effective punishment, giving him to understand that the desires of the President on this point have no other restrictions than those imposed upon him by international law, the treaties now in force between the two countries, and the dignity of the republic. And as a consequence of those restrictions, you will inform the said commander that as the Government of Mexico cannot allow a foreign force to enter the national territory without the consent of the Congress of the Union, and much less that the said force shall come to exercise acts of jurisdiction, as those expressed in the order of the United States War Department, you will repel force by force, should the invasion take place.

In dictating this extreme measure, the President has had in view those considerations which no Mexican can forego when the defense of the national honor is in question: The supreme magistrate of the republic believes that he faithfully interprets the feelings of the Mexicans, if he accepts the situation in which he is placed rather than the humiliation of an offense which would reduce Mexico to the condition of a barbarous country and beyond the communion of international law. The President does not wish, however, that the attitude assumed by the soldiers of the republic in front of troops trespassing upon our territory, infringing international law, be reputed as an act of hostility toward the United States, but that it be considered as the exercise of the legitimate right of self-defense that appeals to arms only in the extreme case when amicable means are unavailable to make it respected.

This is not the proper time nor is it of the incumbence of this department to discuss

the order of the United States War Department, showing the errors contained in Colonel Shafter's report, which has given rise to the same, nor inquiring into whether the Mexican Government has neglected its duty in preventing on its part the depredations of the marauders on the frontier, a reason or motive appealed to by the American Government in order to take upon itself the fulfillment of that duty, ordering even the invasion of our territory. In order to treat this matter conveniently, the necessary instructions have been given to our minister at Washington.

I request you to appoint a commissioner *ad hoc* near the American commander, who shall express to him what I have here stated. Send to the said commander by that commissioner a certified copy of this communication, so that he may become thoroughly acquainted with the measures dictated by the government of the republic.

I deem it necessary to recommend to you the faithful and exact fulfillment of the instructions I hereby communicate to you by order of the President; our national honor is therein interested, and this suffices to expect of your patriotism to act with the prudence demanded by this serious question, in order to avoid any cause of conflict between the two countries; acting, however, with due energy, and repelling with force the insult that it is being sought to inflict on Mexico by the invasion of her territory.

CITY OF MEXICO, June 18, 1877.

PEDRO OGAZON.

To the General of Division, GERÓNIMO TREVIÑO,  
*In command of his forces, Piedras Negras.*

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No. 229.

*Mr. Evarts to Mr. Foster.*

No. 397.]

DEPARTMENT OF STATE,  
*Washington, June 22, 1877.*

SIR: Referring to your separate dispatch of the 28th ultimo, advising me that the President of Mexico would dispatch to the Rio Grande a prudent general with a view to co-operate with General Ord in repressing outlawry, I now transmit for your information a copy of a letter of the 19th instant from the Secretary of War and of the instructions issued by the General of the United States Army upon the subject, which accompanied it.

I am, &c.,

WM. M. EVARTS.

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[Inclosure No. 12.]

*Mr. McCrary to Mr. Evarts.*

WAR DEPARTMENT,  
*Washington City, June 19, 1877.*

SIR: I have the honor to acknowledge the receipt of your letter of the 8th instant, transmitting a copy of a letter from the minister of the United States at Mexico, stating that the President of the Mexican Government will dispatch to the Rio Grande border a prudent general, with a view to co-operate with General Ord in repressing outlawry, and beg to inclose for your information a copy of instructions issued by the General of the Army on the subject.

Very respectfully, your obedient servant,

GEO. W. MCCRARY,  
*Secretary of War.*

The Hon. SECRETARY OF STATE.

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[Telegram.]

HEADQUARTERS ARMY OF THE UNITED STATES,  
*Washington, D. C., June 9, 1877.*

General P. H. SHERIDAN,  
*Commanding Military Division of the Missouri, Chicago, Ill.:*

The Secretary of War has received, through the State Department, a letter from Mr. Foster, our minister at the city of Mexico, dated May 28, 1877, in which he says the

President of the Mexican Republic is at last awakened to the importance of repressing outlawry on the Texas frontier; that he will send a prudent general to that frontier, with an adequate force and instructions to co-operate cordially to that end with General Ord. The whole correspondence will come to you by mail; but meantime the Secretary of War wants you to instruct General Ord to meet this offer of reciprocity cordially, to meet or correspond with the Mexican general thus sent to the frontier, and not to be hasty in pursuit across the border, except in an aggravated case.

W. T. SHERMAN,  
General.

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No. 230.

*Mr. Evarts to Mr. Foster.*

No. 401.]

DEPARTMENT OF STATE,  
*Washington, July 3, 1877.*

SIR: Mr. Skilton, the consul-general, with a dispatch of the 18th, has forwarded to the Department a copy of a letter to him of the 4th ultimo, from Mr. Sutter, the consul at Acapulco. It relates to recent events there, and especially to the occupation of that city by General Alvarez. It seems that in consequence of that occupation the city was fired upon by the fort and a Mexican man-of-war. Consequently Mr. Sutter and the other foreign consuls embarked in the boat of the former for the purpose of making such representations to the commander of the man-of-war as might lead to a cessation of the firing. The boat, however, was itself fired upon on its way, and, though not hit, the persons on board of her were exposed to great peril. Mr. Sutter says that the flag of the United States was hoisted on her. Under these circumstances it seems necessary that the Mexican Government should be asked to require of the commander of the fort proper explanations upon the subject. You will accordingly take this course so far as your unofficial relations with that government will allow.

I am, &c.,

WM. M. EVARTS.

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No. 231.

*Mr. Foster to Mr. Evarts.*

No. 573.]

LEGATION OF THE UNITED STATES,  
*Mexico, July 13, 1877. (Received August 2.)*

SIR: The report of the conference had between General Ord, commanding the American forces in Texas, and General Treviño, the Mexican commander on the Rio Grande frontier, reached this city through the newspapers of the United States by last mail, and the results of said conference have been the subject of considerable discussion in the Mexican press.

The report of the conference as received here is that contained in the telegram of General Ord to Lieutenant-General Sheridan, dated Fort Clark, Texas, June 19, in which, referring to General Treviño, he says:

There is a good understanding between us on the basis of my instructions regarding prompt action to suppress marauding and the co-operation of our troops on both sides of the river in necessary pursuit.

Some of the opposition press have interpreted this report of General Ord to mean that Treviño, in the conference, has agreed to the passage of American troops across the boundary into Mexican territory in pur-

suit of raiders, and have accordingly harshly attacked the administration of General Diaz for permitting the national territory to be violated and for humiliating the Mexican nation by yielding to the demands of the United States. The *Diario Oficial*, the government official organ, has replied that General Treviño has made no such agreement for the passage of American troops into Mexico, and that the government has not receded from the position assumed in the order of the minister of war, of 18th ultimo, requiring the commander on the northern frontier to resist by force any passage of the frontier by American troops, and demanding the recall or modification of the instructions to General Ord on that point. I inclose a translation of the *Diario Oficial's* reply. Since these articles have appeared General Treviño's official report of the conference with General Ord has been published, a translation of which I herewith transmit.

It will be seen that he expressly states that he declined General Ord's proposition for the reciprocal passage of the frontier by the troops of either nation in pursuit of outlaws.

General Treviño makes an important statement in his report in regard to the Lipan Indians, whose continued residence in Mexico near the frontier has been the principal cause of the recent raids, murders, and robberies in Texas.

Attention is also called to the character of the force which he proposes to employ to co-operate with the American troops, and to suppress the raids and outlawry on the frontier. He intimates that the regular federal troops cannot be stationed on that border because they "disperse for different causes," which I understand to mean that they dissolve by desertion, as was stated to me by the former administration, as an excuse for not sending troops to that region. General Treviño states that he has taken steps to organize a volunteer force from the vicinity of the border, to which he proposes to intrust the protection of the Rio Grande, and urges upon the government the importance of providing for their support and prompt payment.

In my opinion there are two objections to intrusting the preservation of the peace and order of the border to such a volunteer force. First, being an independent corps, enlisted at a much higher rate of pay than the regular troops, removed a great distance from the federal treasury and beyond the reach of custom-houses likely to possess federal receipts, there is great danger that their subsistence and pay will be neglected. Second, being composed of residents of the Rio Grande, there is a possibility that they may be subject to the objection which I have repeatedly made to the local authorities, their sympathy or complicity with the robbers, and, being an independent corps, they will not be subject to the same discipline and restraint as the regular troops, and will be as likely to provoke hostility as to repress raids.

I regard it as imperative on the part of Mexico to adopt much more effective measures than those proposed by General Treviño, in order to discharge its international obligations on the Rio Grande.

I am, &c.,

JOHN W. FOSTER.

[Inclosure 1 in No. 573.]

*Translations of newspaper articles.*

[From the *Federalista*, July 10, 1877.]

WHAT NAME DOES HE DESERVE ?

The *Tuxtepec Diario* called Mr. Lerdo a traitor on the simple suspicion that he was creating difficulties for Mexico. And now that Mr. Porfirio Diaz lays the national dignity at the feet of the United States, and agrees, contrary to the constitution, to the humiliation of American troops crossing into Mexican territory, will the *Diario* please tell us if we can apply the same epithet to the author of such a crime? Let the official organ of *Tuxtepec* reply.

[From the *Diario Oficial*, July 10, 1877.]

WHAT NAME DOES HE DESERVE ?

Under this title the *Federalista* has a local item which commences by attributing to us words that we have not written. As upon this subject we have been very explicit, we consider that our colleague is losing its time in endeavoring to misrepresent our views. Then it supposes that the government has entered into some arrangement contrary to the national dignity, a supposition which is entirely false.

The instructions issued by the government in the matter to which the *Federalista* refers are well known, and there has not been a dispassionate person who has not acknowledged that the national dignity and the decorum of the country have been well sustained.

The executive will always assiduously endeavor to maintain friendly and cordial relations with the foreign powers. This is its duty, as it is also its pleasure, and in the interest of the country, but it will in every case maintain unstained the national honor.

The statement on which the local item to which we allude is founded is, then, false, and false also is the basis of our colleague's editorial. Its impassioned comments are consequently without foundation, and can only serve to bring forth others on the other side, inasmuch as the truth is also contrary to the asserted facts.

In the instructions given to General Treviño, under date of the 18th of last June, and which were published in the *Diario* of the same day, the following is said: "In obedience to that law (the constitution) you will by no means consent that the troops of the United States enter our territory, and, out of respect to the sovereignty of that republic, you will likewise prevent Mexican troops from trespassing on foreign soil."

These instructions are still in force; they have not been abrogated nor modified; they mark the firm purposes of the government, and by them General Treviño must be guided.

Everything said to the contrary by newspapers and letters from the United States is deficient of truth, and the deductions drawn from such falsehoods are arbitrary and unjust.

[From the *Diario Oficial*, July 11, 1877.]

AMUSING STORIES.

The *Federalista* continues to relate amusing stories, founded on false suppositions.

It is not true that General Treviño has taken the step attributed to him by our colleague. In accordance with the instructions received from the supreme government, and with which the public is acquainted, he has adopted the means of preventing depredations on the frontier, pursuing and punishing the delinquents; but it is false that, exceeding his powers, he has consented to the invasion of our territory by foreign troops.

The telegram of Lieutenant General Sheridan, which the *Federalista* takes from an American paper, may or may not be authentic.

In the first case it may be that in stating that General Treviño has had an understanding with General Ord on the basis of the instructions given the latter by his government, he referred solely to the part in which he is recommended to solicit the co-operation of the Mexican authorities in the pursuit of the banditti, notwithstanding that the phraseology of the telegram, or its translation, leads to a more extensive application.

At all events, it is false that General Treviño has exceeded his instructions, and neither the *Federalista*, nor anybody can prove the contrary. The question refers to facts, and the existence of the facts should be fully proven in order to serve as the basis for impartial comments. Until it is proven that any act of General Treviño has been contrary to instructions received from the supreme government and to the dignity of the country, all the statements made to this effect will be arbitrary and defamatory.

The government is well acquainted with the acts of General Treviño, and knows well that he has not discredited his known prudence and well-tried patriotism.

Hence the declamations of the *Federalista* are useless and unjustifiable.

[Inclosure 2 in No. 573.]

*General Treviño's report of his interview with General Ord.*

CONSTITUTIONAL ARMY,  
HEADQUARTERS OF THE LINE OF THE NORTH,  
Monterey, June 30, 1877.

*To the Citizen-Minister of War:*

On my way to this city I received the instructions which the federal government communicated to me by telegraph through General Canales, and, in view of their importance, I sent a courier to General Ord, telling him that I would communicate to him the instructions I had received from my government by means of a commissioner, as ordered by your department. That commissioner *ad hoc*, Mr. Bibiano L. Villareal, is preparing for his journey, and he will surely be on the road to-day or to-morrow.

During my stay in Piedras Negras, I was visited by General Ord, military chief of the American line, for the purpose of conferring upon the manner of preventing the depredations made for robbery which are experienced on both sides of the Bravo (Rio Grande.)

General Ord saw me at my quarters; I returned his visit, going to his quarters; I visited his camps in the vicinity, and we had a conference. He claimed that the forces of either nation, in following the trail of robbers, might continue the pursuit into the adjoining territory, reporting their operations to the authorities of the respective territory, for their information and aid; and, in order the better to support his position, he cited to me the case in which he had permitted a Mexican force from Sonora to continue into American territory the pursuit of a party of Indians, besides aiding our forces with his troops and furnishing them the supplies they needed.

In reply I manifested to said general that the authorization which we were discussing could not be granted by either him or me in virtue of our own power, not even with the acquiescence of our governments, if it should not have the approbation of the respective Chambers or Congress, and much less could I do anything in such a difficult question, as I had no express authority to deal with it in any manner; that the pursuit of banditti being an urgent duty of the authorities, and even of private citizens, and to stop the complaints which, with or without foundation, are frequently made by the press of both countries in regard to the conduct of the authorities of the two nations, I would take every measure for the purpose of punishing the crimes that might be perpetrated on the American line by inhabitants or residents of our territory, stationing troops of the line at convenient points, and establishing vigilant forces to patrol our desert places.

I also assured him that those stations or forces being apprised in good time of incursions made by Mexicans to the left bank of the Bravo (Rio Grande), they would have the best results in the apprehension of the delinquents, as they would operate in a country well known to them and against known persons, thus guaranteeing the security of honest travelers or residents, who might easily be confounded with banditti by strangers having no acquaintance with them.

With this, and the promise to communicate to General Ord the instructions which I might receive on the subject from my government, and with the promise which he made on his part to prevent the organization of bands proposing the invasion of our territory, even under the pretext of a political object, we terminated our conference. I should add that in the conferences General Ord always manifested that his government did not propose any act hostile to our country.

On my return from Piedras Negras, I left some regular forces stationed on the Sabinas River, and being persuaded that the Lipan Indians are a constant threat to our security, and by the depredations on the left of the Bravo (Rio Grande) might even complicate our relations with the neighboring nation, I gave orders to Colonel Nuncio to apprehend them and hold them prisoners at the disposition of the government. These Indians are the remnants of the tribe who, on account of their treachery, were almost destroyed by the deceased General Zuazúa. They continue to be as treacherous as ever, and are always lazy, except when they are engaged in robbery, which constitutes their patrimony.

My opinion is that, once apprehended, they should be taken to the interior, divided there among workshops or charitable institutions, where they could be educated or taught to work, according to their sex and age.

I also ordered the organization of a mounted force of auxiliary troops, at the government expense and well paid, to perform the service of the line of the Bravo (Rio Grande). That force, being volunteers, well paid, and composed of men acquainted with the country in which they are to serve, will be the one that will principally comply with the promise I made the American officer, and with it alone that service can be performed, because there the troops of the line disperse for different causes, which I have already stated to the supreme government.

In order to give the security we owe to our citizens, who are frequently the victims of robberies, the spoils of which are carried to the other side of the Bravo (Rio Grande); in order to maintain the good relations which should unite us with the inhabitants of the neighboring nation, and in order to give respectability to our territory which is exposed to unjustifiable invasions, I hope that your department will approve the measures which I have mentioned, attending promptly to the payment of said forces.

I have been more extended than I intended in order to acquaint the government with what occurred at my interview with General Ord.

On the return of the commissioner, whom in compliance with orders from your department, communicated on the 18th instant, I send to that general, I will report to you the result.

Liberty in the constitution.

G. TREVIÑO.

No. 232.

*Mr. Foster to Mr. Evarts.*

No. 574.]

LEGATION OF THE UNITED STATES,  
*Mexico, July 18, 1877. (Received August 10.)*

SIR: The federal supreme court of Mexico on the 6th instant rendered an important decision, involving the power of the executive to levy a tax by virtue of the "extraordinary faculties" which it has been the practice of the federal Congress so often to confer upon the executive.

The case which occasioned the recent decision arose from the enforcement of a tax of 1 per cent. upon capital, levied July 19, 1876, by a decree of President Lerdo, by virtue of the "extraordinary faculties" conferred upon him by the Congress of the union.

A Mexican citizen, resident in this capital, applied to the federal court of the district for "*amparo*" or protection against the enforcement of the tax, which was refused by that court October 30, 1876. The case was appealed to the supreme court, but the fall of the Lerdo government suspended proceedings therein until the recent reorganization of the supreme court under the administration of General Diaz. The present supreme court has reversed the action of the district court of October last, and has decided that the tax levied by virtue of President Lerdo's decree of July 19, 1876, is unconstitutional, and that its collection cannot be enforced.

The supreme court bases its decision on the fiftieth article of the Mexican constitution, which provides that "the supreme power of the federation is divided for its exercise into legislative, executive, and judicial functions; two or more of these powers can never be united in the same person, nor the legislative power be deposited in one individual;" and on the seventh clause of the seventy-second article, which confers upon the Congress of the union the power "of approving the federal estimates of expenditures, which shall be annually presented by the executive, and of imposing the taxes necessary therefor." Under these provisions of the constitution the court holds that each one of the three federal powers is independent of and cannot exercise the functions or faculties of the others; that the power of imposing the taxes necessary for the federal expenditures is exclusively conferred upon the legislative department of the government; and that Congress cannot delegate to or confer this power upon the executive.

The court also takes the more extended position, that the faculty conferred by the constitution upon the legislative power of making the laws cannot be delegated to any other body or authority. In the language of the decision in question, "where the sovereign power of the state



has deposited authority, there it must remain; and only by the constitutional agents should the laws be made." This decision reverses the previous rulings of the federal courts, and is in opposition to the past practices of the executive, and if observed in the future administration of the government, it will have a tendency to remedy some of the most prominent evils which have grown into an established custom in all revolutionary periods of Mexico.

Almost all the unusual and heavy taxation, termed "extraordinary contributions," has been levied not by legislative but by executive authority, by virtue of the "ample faculties" conferred by the former upon the latter at the commencement or during the progress of a revolution. Nor has the practice been confined to the federal executive, but it has been followed in all the states of the republic. Neither have the executives of the union and of the states confined the exercise of their "extraordinary faculties" to the imposition of taxes, as a large part of the past and existing laws of the country have been created by executive decrees alone.

In my No. 293, of May 25, 1875, in noticing the application of President Lerdo to congress to have conferred upon the executive "extraordinary faculties," I expressed regret that his administration, which up to that time had shown a greater regard for the observances of the constitution than its predecessors, should deem it necessary to return to the revolutionary practices of the past, and I manifested serious doubts as to the wisdom of the policy. The subsequent history of the country has shown that the measure was a source of weakness rather than of strength for his administration, as the possession of "extraordinary faculties" led the executive to the exercise of acts which undoubtedly hastened the overthrow of his government.

If the recent decision of the supreme court is hereafter followed as an unalterable principle of government, it will prove one of the most worthy events of the administration of General Diaz, as it will be preventive of some of the most onerous and arbitrary practices of Mexican revolutions. It is an interesting fact, in this connection, that our minister plenipotentiary in Mexico, the Hon. Thomas Corwin, in answer to the inquiry of certain American residents, gave a written opinion in 1861 against the legality of an "extraordinary contribution" levied by President Juarez in exercise of "ample faculties," which opinion assumed the same line of argument as that followed by the recent decision of the court; but the Mexican courts having decided the tax valid, Mr. Corwin was induced to withdraw his opposition on the ground that the question was one exclusively for the supreme judicial authority to determine.

I am, &c.,

JOHN W. FOSTER.

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No. 233.

*Mr. Foster to Mr. Evarts.*

No. 577.]

LEGATION OF THE UNITED STATES,  
*Mexico, July 21, 1877. (Received August 10.)*

SIR: General Diaz's minister of foreign affairs called upon me at the legation yesterday afternoon and showed me several telegrams which his government had received from Mexican officials on the Rio Grande

frontier, reporting that partisans of Ex-President Lerdo were actively and openly engaged at different points in Texas in organizing revolutionary or filibustering expeditions into Mexico. Mr. Vallarta stated that his government was on the alert to prevent the crossing into Mexican territory of any such bands; but in view of the long extent of that border it would be very difficult to guard every exposed point without the co-operation of the American authorities.

I said to Mr. Vallarta that he had anticipated a visit which I had designed to make to the foreign office for the purpose, among other things, of conveying to him the assurances contained in your dispatch No. 398 of the 26th ultimo, in regard to the enforcement of the neutrality laws of the United States, and that in view of that assurance I had no doubt my government would desire to be informed of the facts reported by the Mexican officials, and that I would at once send you a telegram on the subject.

Accordingly, immediately after the minister's departure, I sent you a dispatch via Overland Telegraph Line.

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It is due to Mr. Vallarta to state that he did not request me to send the telegram, but upon my statement that I would transmit it, he said his government would highly appreciate the act and the enforcement of the neutrality laws.

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I am, &c.,

JOHN W. FOSTER.

No. 234.

*Mr. Foster to Mr. Evarts.*

No. 579.]

LEGATION OF THE UNITED STATES,  
Mexico, July 23, 1877. (Received August 10.)

SIR: The distribution of premiums awarded to the Mexican exhibitors at the International Exhibition, at Philadelphia, last year, was formally made yesterday. The occasion was a marked event in this capital. A procession, composed of the industrial organizations of the city, escorted the President of the republic, his cabinet, and other high officials, from the national palace, through the principal streets, gaily decorated, to the national theater, where the premiums were delivered by the President in the presence of a large audience. A general sentiment of gratification was manifested at the successful part which Mexico had taken in the exhibition, and for the attentions which the commissioners and exhibitors had received.

I am, &c.,

JOHN W. FOSTER.

No. 235.

*Mr. Foster to Mr. Evarts.*

No. 583.]

LEGATION OF THE UNITED STATES,  
Mexico, July 30, 1877. (Received August 10.)

SIR: At the date of my last dispatch on current events, the only portion of the republic which was not fully recognizing the authority of

General Diaz was a part of the State of Guerrero, where the former governor, General Alvarez, has risen against the military governor sent out by General Diaz, and driven him from the State. Soon after, however, an arrangement was entered into between Alvarez and Diaz, whereby the authority of the latter was recognized and a new military governor appointed until elections could be held and the State restored to the constitutional order. Since that adjustment, general peace has prevailed in the country, with the exception of the occurrences on the Rio Grande frontier, to which reference is made in other dispatches.

The elections for senators to complete the Congress of the union have been held during the present month, without any disturbance of the peace, and with very little attention being given to the event. Popular elections in this country seldom, if ever, are participated in by more than a small minority of the legal voters; and upon this occasion there was less participation than usual.

The anti-revolutionists considered their candidates excluded by the condition of the convocatory decree, which requires all senators elected to take an oath to support the revolutionary plan of Tuxtepec. On the other hand, the extreme revolutionists, styled the "pure Tuxtepecanos," who have bitterly opposed the re-establishment of the senate as contrary to the plan of Tuxtepec, have also in a great measure abstained from taking part in the elections. The consequence has been that the elections receive very little attention, and so far as the results have been announced, it is believed that ministerial candidates have been chosen in almost all cases.

Since my dispatch, No. 545, of the 16th ultimo, advising you of the recognition of the Diaz government by various foreign governments, the Italian Government has taken action in the same direction; so that the United States is now the only power represented in Mexico which has not acted upon the question.

I am, &c.,

JOHN W. FOSTER.

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No. 236.

*Mr. Foster to Mr. Evarts.*

No. 586.]

LEGATION OF THE UNITED STATES,  
Mexico, August 3, 1877. (Received September 4.)

SIR: The department of public works has recently published a report made by the government inspector of railroads. As Mexican railroad investments and concessions have been the subject of considerable interest and inquiry in the United States, I have thought it desirable to notice some of the facts contained in the report alluded to, and to refer to the present condition of railroad enterprises in Mexico. There is only one railroad in the country of any considerable extent, which is known as "The Mexican Railway," extending from the port of Vera Cruz to the city of Mexico, with a branch connecting the city of Puebla with the main line, being 292½ miles. Connected with the main line there is also a branch which leaves it 9½ miles from Vera Cruz, extending to the city of Jalapa, a distance of 61½ miles, making the entire length of the Mexi-

can Railway 353½ miles. There are besides, in the valley of Mexico, at Vera Cruz and other points, several short lines in operation, but all aggregating less than fifty miles.

A charter or concession for the Mexican Railway was first granted in 1837, but owing to the revolutions, financial embarrassments of the nation, and other causes, all that had been accomplished up to 1865 was a survey of the route and the construction of nine miles of road on the Vera Cruz end and three miles at the city of Mexico.

In 1864 Don Antonio Escandon, who had held the concession since 1857, transferred it to an English company, and during the Maximilian government the construction was pushed forward with much vigor, so that on the restoration of the republican government 134 miles of road were in operation, and a considerable part of the heavy grading on the mountain portion of the route was well advanced, but it was not until January, 1873, that the entire line from Vera Cruz to the city of Mexico was completed.

The Jalapa branch was not opened to traffic till June, 1875. Owing to its heavy grades, which attain a maximum of eight feet per hundred, animal traction and small cars are used on this branch.

On the mountain portion of the main line the maximum grade is four feet per hundred, on which the "Fairlie" engine, a heavy English locomotive, is used, although the American "Baldwin" locomotive has been introduced with very satisfactory results. During the first years of the road, cars of the English system and construction were employed, but these are now being substituted with American cars.

The following statement of the Mexican Railway is taken from the report of the government inspector:

*Statement of capital and cost of construction.*

ORIGINAL STOCK.	
General shares .....	\$7, 658, 450
Government shares.....	3, 633, 100
PRIVILEGED SHARES.	
First issue, 8 per cent.....	12, 770, 500
Second issue, 6 per cent.....	5, 059 800
IN BONDED INDEBTEDNESS.	
'A' bonds, 8 per cent.....	2, 200, 000
'B' bonds, 7 per cent .....	5, 380, 885
Special privileged indebtedness bearing interest, about.....	1, 000, 000
	37, 702, 735

The company's main office is in London, and is controlled by a directory of ten members elected by the shareholders and four members appointed by the Mexican Government. Three of the former and two of the latter compose a local board in the city of Mexico.

Owing to the revolution which was going on during 1876 the operations of the main line were considerably embarrassed, and the Jalapa branch was suspended during the greater part of the year. The following figures as to the workings of the main line are taken from the recent reports of the directors, the Jalapa branch being omitted:

*Length of main line 292½ miles.*

## TOTAL EARNINGS.

	. 1876.	1875.	1874.
Passengers.....	£65,879 14s. 8d.	£90,101 2s. 6d.	£80,846 17s. 4d.
Freight.....	369,749 14 3	384,020 1 10	379,668 12 11
	435,629 8 11	474,121 4 4	469,515 10 3

Total working expenditures: 1876, £269,693 0s. 3d.; 1875, £249,886 9s. 4d.; 1874, £245,026 6s. 3d.

The total working expenditures being the following percentage of the earnings: 1876, 61.90; 1875, 52.70; 1874, 52.18.

## PASSENGER TRAFFIC.

	Number.		Miles.		Fares.	
	1876.	1875.	1876.	1875.	1876.	1875.
First class .....	15,436	19,084	1,470,318	1,781,389	£15,222	£19,777
Second class .....	28,531	49,926	1,787,412	2,781,146	15,115	25,122
Third class .....	194,965	186,067	10,978,269	9,125,176	42,919	47,285
	238,932	255,077	14,235,999	13,687,711	73,256	92,184

Of the above passengers there were 9,400 military in 1875, and 57,964 in 1876, at government rates.

## FREIGHT TRAFFIC.

(In tons of 1,000 kilograms.)

Year.	Up freight.	Down freight.	Total.
1876 .....	87,259	36,258	123,517
1875 .....	88,345	35,978	124,323
1874 .....	84,001	30,026	114,027

## PASSENGER RATES.

From Vera Cruz to city of Mexico, 263½ miles, first class, \$16; second class, \$12.50; third class, \$7.25.

Each passenger is allowed 32 pounds of baggage. All excess is charged at the rate of \$97.77 per ton on passenger trains.

## FREIGHT RATES.

From Vera Cruz to Mexico, per ton: On foreign goods, first class, \$76.05; second class, \$65.18; third class, \$54.32. On national products, first class, \$38.02; second class, \$32.59; third class, \$27.16.

At the conclusion of the road there was due the company a large sum from the government by way of subsidy for the construction, for the

payment of which the government had pledged 15 per cent. of the customs receipts. In settlement of this claim a convention or contract was made between the government and the railroad company, by which the former agreed, in lieu of the amount due on the subsidy, to pay the company the annual sum of \$560,000 for the period of twenty-five years; and the company agreed to a considerable reduction from the charter rates in the tariff of passenger and freight-charges, and extended the privileges enjoyed by the government in the way of transportation of troops, mails, &c. Owing to the revolution and change of government this annual payment has been suspended for more than a year past, and there is now due the company from the government about \$1,000,000.

A demand is made on the part of a certain portion of the press and of the Mexican public for a still greater reduction of the tariff charges by congressional legislation; but the company maintains that the present tariff was established by means of a contract which cannot be modified by legislation without the consent of the company. This subject will probably attract considerable attention in the approaching national congress.

Although it has been acknowledged for years past that one of the greatest wants of the country is the construction of railroads to unite the centers of population and to give an outlet to both oceans for the products of the interior, the railroad from Vera Cruz to the city of Mexico is the only one that has as yet been constructed. Much time has been wasted by congress in the contentions of friends of rival projects. A concession was granted in 1874 to a Mexican organization in preference to American applicants for the construction of a railroad from this city to the large cities of the interior; and this company having failed completely to comply with its concession, a new grant was made to another organization in which Messrs. Barron, Forbes & Company, a resident English house, were the principal members.

The work of construction was entered upon, but the revolution of last year almost paralyzed its operations, and, on the advent of the revolutionary government, the concession was revoked by an executive order, and all the works were declared as forfeited.

A detailed account of this transaction has already been given in my No. 524, of April 24 last. The subject of railroad concessions will doubtless be a leading topic in the deliberations of the next session of congress. Although it is acknowledged that the capital to construct the railroads so greatly needed in Mexico must, in a great measure, come from abroad, yet, owing to the failure of the government to recognize or pay interest on its foreign debt for years past, and on account of the recent revolution, there is an apparent reluctance on the part of foreign capitalists to invest in Mexican public enterprises. An adjustment of the debt, a restoration of confidence in a stable government, and security and guarantees to foreign capital appear necessary to obtain the inauguration of railroad construction on any scale commensurate with the urgent wants of the country.

I am, &c.,

JOHN W. FOSTER.

## MOROCCO.

No. 237.

*Mr. Mathews to Mr. Fish.*

No. 219.] CONSULATE OF THE UNITED STATES OF AMERICA,  
*Tangier, December 30, 1876. (Received February 12, 1877.)*

SIR: I have the honor to inform you that the Sultan has at last settled in his capital at Fez, after several months of activity in subduing most of his revolted and warlike tribes in the neighborhood of the French frontier of Algeria, which especially gave him great trouble. It is commonly believed that in the first engagements the Sultan's troops lost heavily, according to some native authorities as many as ten thousand men; and it is further added that nothing but the imperial artillery saved the Sultan's force from total destruction. As the force in the field could not have been more than fifteen thousand men, it is needless to say that his majesty cannot have met with so heavy a loss; but that is the manner in which news is reported here, where we have no special correspondents, no letters from the seat of war, and no press.

The disturbances are owing to the ever-increasing exactions of His Majesty's governors and sheiks. The assassination of Hamem Ben Alilo, lieutenant-governor of our neighboring province of Anjera, last October, illustrates the condition of the country.

The governor of the Pashalic had been compelled by orders from the Sultan, to give the last turn to the screw of official exaction; but this last turn of the screw broke the thread not only of the screw but of his life.

Having thrown into prison a number of the inhabitants, in the hope of extracting from them some further increment of already onerous taxation, the friends of his victims surrounded the governor's residence, and after some parley at the gate, where one of his adherents was killed, the lieutenant-governor, upon the assurance that he would not be harmed, was induced to venture forth, when he was instantly dispatched.

Three weeks before this event the governor of Tangier, with eight thousand Moorish troops, encamped in the above district, and levied a fine of \$20,000 from the tribe of Anjera, by order of the Sultan, on account of their late insurrection against the governor of said district.

On the 23d ultimo a salute of twenty-one guns was fired from the batteries of Tangier in honor of the victory gained by the Sultan over the rebel tribe of Gayiatta, near the town of Tazo. A letter addressed by the Sultan to this Pasha was publicly read in the mosque, announcing the success of the imperial troops. No former Sultan of Morocco had ever penetrated into the mountainous district of Gayiatta.

The conflict between this warlike tribe and the Sultan's army was a very serious affair, and had nearly resulted in the retreat of the latter. A number of Kuids, or chiefs in the Sultan's army, have been killed, and the horse ridden by His Majesty was severely wounded. The rebels were finally repulsed. A castle or stronghold of the tribe, and a number of villages were destroyed, and the Sultan's army encamped on the summit of the hills of Gayiatta.

The Sultan's expedition to the Riff territory was most successful.

On his march from the latter place toward Meguinez, on his way to

the capital, he brought under subjection the rebellious tribes of Zaida and Azamor, and they have sent their contingent of cavalry to join the imperial army.

The tribe of Benigoosfet, in the province of Larache, was also severely chastised.

The Moorish embassy which was sent by the Emperor to return the visit of the English, French, and Italian representatives which those functionaries paid him at his court last summer, arrived at Tangier, on board the Italian man-of-war *Conte de Cavour*, on the 12th ultimo, returning from their visits to the Courts of Saint James, France, and Italy. The Moorish mission was composed of Sid Hadj Mohamed Elzebdy, ambassador; Sid Dris Elzaidy and Sid Ben Nasser Ghannan, first and second secretaries, and six other members.

They were received with much kindness and attention by Her Majesty the Queen, who was accompanied by their Royal Highnesses Princess Beatrice and Prince Leopold, in the drawing-room, where the ambassador presented a letter from the Sultan of Morocco to Her Majesty.

At Paris, President MacMahon had a grand review of the troops in their honor, and a like compliment was paid to them by King Victor Emmanuel at Rome. In return for the presents sent to the Emperor, through their representatives at Tangier on their visit to Fez, the Sultan sent as a present ten magnificent Arabian horses to the President of the French Republic, and six horses to King Victor Emmanuel, besides a valuable assortment of Moorish manufactures like those sent to the English court.

Last month twenty-five men of Askar, or new regular troops of the Sultan of Morocco, including two Kaid and two Mukuddams, who are to learn the principles of military discipline at Gibraltar, were sent to that fortress. These men will afterwards return to their own country, where they will be employed in drilling and disciplining the regular levies which the Sultan has established to enforce and maintain order in his dominions among the warlike and turbulent tribes who have been such a thorn in the side of every ruler in this country. The men seem young and very intelligent, and no doubt they will be found of the greatest service in effecting the object desired after a course of instruction in a regimental barrack-yard. They are now attached to the Fourth (King's Own) Regiment of British infantry, stationed at Gibraltar.

It is evident that the ideas of the present Sultan are progressive, and tend to the advancement and improvement of his people and dominions, the state of which he seems determined to witness with his own eyes; whilst his desire to strictly carry out his engagements entered into with foreign powers is amply evidenced by the speedy means he has ordered to be taken to punish the officials and inhabitants of the Anjera district, who had offered impediments to the Spanish governor of Ceuta, when passing through their territory not long since.

I must contradict, in full, the statement which was published in the Spanish paper, the *Época*, that the Moors are becoming excited about the Turkish question, and that uneasiness is felt by the Europeans in this country in consequence. This is altogether a "canard," as the Moors are not troubling themselves about the Eastern affairs in any way, nor is there any excitement whatever among Europeans residing in the Empire of Morocco.

Yesterday the new French envoy extraordinary and minister plenipotentiary to the court of Morocco, Monsieur Le Sourd, landed at Tangier, from the French vessel of war *Cassard*, to replace Monsieur Tissot, who has been transferred to Athens.



The Sultan will be visited this spring by the representatives of Germany, Spain, Portugal, and France.

The weather has been, and still is, very tempestuous on these coasts, causing many shipwrecks of vessels of various nationalities; fortunately among them we have none of our own flag to lament.

I have, &c.,

FELIX A. MATHEWS.

No. 238.

*Mr. Mathews to Mr. Evarts.*

No. 245.] CONSULATE OF THE UNITED STATES OF AMERICA,  
*Tangier, July 28, 1877. (Received August 27.)*

SIR: I have the honor to inclose the translation of a letter addressed by the Moorish minister of foreign affairs to the foreign representatives, acquainting them that he has received an order from the Sultan to purchase a garden adjoining the Christian cemetery, and to present it to the foreign representatives, considering the want of space in the present one now in use.

I have, &c.,

FELIX A. MATHEWS.

[Inclosure—Translation.]

*Letter addressed to each of the representatives of foreign powers, residing at Tangier, by the Moorish minister of foreign affairs, dated the 17th Kajeb 1294 (27 July, 1877).*

(After the usual compliments) I have made my lord (whom may God protect) acquainted with the small limits of the present Christian burial-ground near Tangier.

My master (whom may God glorify) has given royal order to procure the piece of land adjoining said burial-ground from its present proprietors, by the name Bogeloon, and to place the same at your disposal and possession.

With the will of God, peace and friendship.

MOHAMED BARGASH.

## PARAGUAY.

No. 239.

*Mr. Caldwell to Mr. Evarts.*

No. 4.] UNITED STATES LEGATION,  
*Montevideo, April 24, 1877. (Received June 11.)*

SIR: Intelligence has just arrived, by telegraph, of the assassination of Juan Bautista Gill, President of the Republic of Paraguay. He was shot in the street on his way to the government house, on the 12th instant, by one Morlas, an ex-officer of the Dictator Lopez. On the same day the brother of the President, Emilio Gill, a general of the republic, was barbarously assassinated and mutilated by Colonel Goiburú, also an ex-officer of Lopez. The assassins escaped from Asuncion, and, at last advices, were in the country with followers, attempting a revolution;

with what success is not yet known, as reports are very contradictory. The head of the revolution is believed to be Rivarola, a former President of Paraguay.

Immediately on the death of President Gill; Vice-President Higinio Uriarte assumed command, called out the national guard, assembled the congress, and took the oath of office. The congress at once declared the whole republic under martial law for one month. The new President retains the cabinet of his predecessor. There are rumors of severe combats, but as yet nothing trustworthy.

I have, &c.,

JOHN C. CALDWELL.

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PERU.

No. 240.

*Mr. Gibbs to Mr. Fish.*

No. 97.]

LEGATION OF THE UNITED STATES,  
*Lima, Peru, September 21, 1876. (Received October 14.)*

SIR: I have the honor to refer to my dispatches Nos. 90 and 92, relative to the political affairs of this republic.

Since the meeting of the Congress July 28, nothing has been done in the legislative chambers of any interest or benefit to the country, only one act being passed by both chambers, pardon for political offenses.

A great part of the session has been occupied in contested election cases of senators and deputies from the different departments. As the "civilists" have the majority, the decisions are generally in favor of their candidates; with what justice I cannot say. The last contested case was on the senator for this department, which caused quite an excited debate. Several districts of the department were thrown out, and the "civilists'" candidate declared elected; a meeting was held Sunday the 17th, by the electors, a protest was declared against the decision, and then the meeting adjourned quietly.

It is rumored that President Prado will leave this capital and remove the troops to a place called Lurin, some 20 miles to the south of this city.

This, in my opinion, would be a dangerous proceeding for the peace of the country. There are a great number of unruly people at present in Lima, ready for any mischief, and a great number of disaffected people who wish a change and a return to power of the military party. To leave the city to the protection of the police would invite a revolution, as the army, small as it appears, is sufficient to keep the unruly and mischievous in awe.

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The leading journal of the civilists, *El Comercio*, of last evening, refers in an item to these reports, and says: "We do not know what there is of truth in these rumors, but we can assert that this day various military officers have gone to Lurin and Chancay (about 40 miles north), with the object of examining those places as regards their respective advantages for military camps."

I am, &c.,

RICHARD GIBBS.

No. 241.

*Mr. Gibbs to Mr. Fish.*

No. 102.]

LEGATION OF THE UNITED STATES,  
*Lima, Peru, October 13, 1876.* (Received November 13.)

SIR: I have the honor to refer to my dispatches Nos. 90, 92, and 97, relative to political affairs. Since those dispatches were written, an apparently serious revolution has commenced in the southern part of the republic. It appears that the government has been aware a conspiracy was being carried on in favor of Don Nicolás Piérola.

\* \* \* \* \*

In my dispatch No. 97, September 21, I stated that a law had been passed by Congress granting amnesty to all political offenders, but I corrected the statement in another dispatch subsequently. The decree was passed unanimously by the deputies almost without discussion, but, when sent to the Senate, the government informed that body that, from information in their possession, it was not judicious to pass the law; the decree was returned to the deputies for reconsideration, and after a long debate was revoked. On the 4th instant the church party's organ, *La Soceidad*, had in its editorial columns rather a remarkable article against the civilists, saying, among other things, "that there was only one person capable of carrying out the country to its true position; punishing those who belonged to that criminal ring (civilists), who were without scruple in doing evil; the only person capable of freeing the country of legislative and administrative despotisms, and facing the evils of civilism, and this person was Piérola." This article caused quite a sensation, so I was not surprised when the news was telegraphed on the 6th that Piérola had landed at Moquegua, about 700 miles to the south of Callao (southeast), had taken the place, a small town, and declared or pronounced gainst the present government. Troops were hurried down to Callao, and that night 900 infantry, 200 cavalry or hussars, and some 50 artillerymen were embarked for Mollendo, some 40 miles to the northwest of Moquegua, and the terminus of the railroad that goes to Arequipa, 107 miles in the interior, the second city of importance in the republic.

On the 7th a proposition was made in the Chamber of Deputies to suspend the constitutional guarantees of rights of citizens; the debate was long and excited, but in a joint Congress they were suspended, 110 yeas to 12 noes. A decree was also passed empowering the government to increase the army and to raise 4,000,000 sols for extraordinary uses and purposes.

During these last few days some thirty or more half-pay officers have been arrested, and also some private citizens. The government is using energetic measures to crush this attempt.

Piérola has gone to a part of the country where he has many partisans, and is near Torato, in the Andes, 60 miles distant, and the scene of his former attempt. It is stated that the parish priest of Torato is at the head of some of the revolutionists; if Piérola can get to Arequipa, where he has great sympathy, I think it will cost blood and time to crush out this rising.

Telegrams from all other parts of the republic report everything quiet.

The latest news this evening is that Moquegua has been occupied by the government troops and Piérola has retired into the interior.

I am, &amp;c.,

RICHARD GIBBS.

No. 242.

*Mr. Gibbs to Mr. Fish.*

No. 107.]

LEGATION OF THE UNITED STATES,  
*Lima, Peru, November 13, 1876. (Received December 14.)*

SIR:

\* \* \* \* \*

Since the receipt of your dispatch I have devoted some attention to the status of the Chinese in this country, having previously visited some of the large sugar-estates and noticed the manner in which they were treated, and also have gathered information from trustworthy persons who testified to their treatment at various places in the republic. I have come to the conclusion that they were treated as slaves were in former times in the United States, and as I have seen slaves and Chinese used in Cuba during many years of residence there. On some plantations they received every attention due to their position and wants; on others, treatment of the most barbarous kind, worse than brutes.

I think there has been a great change for the better latterly, as I seldom now see articles in the papers of their revolting against the overseers of the plantations, and believe the slaves are treated better in all parts of the country. I account for this in various ways; principally policy on the part of their employers, and partly because the Chinese who have been here such a length of time have acquired a knowledge of their rights and demand them, and sometimes take what they think is law in their own hands by murdering the owner or overseer of the plantation.

Here in Lima, at Callao, and other ports on the coast, there are great numbers of them who have served the time of contract or have in some cases purchased it, and they enjoy all the rights due to any citizen or resident of the republic, and, as far as I can see or judge, are happy and contented. A great many of them are occupied as house-servants, principally as cooks. In all parts of the city are small eating-houses or cook-shops kept by Chinese, and they are well patronized by the poor people, where they get more and better food for less money than with the natives.

Streets fronting on the large markets and those leading to them are so much filled by Chinese grocers, tailors, shoemakers, bakers, butchers, and other tradesmen that, walking around seeing the people, their shops and signs, you could easily imagine that you were in a Chinese town.

As the Chinaman is laborious and industrious, being satisfied with small gains and having no luxurious vices or habits, he sells cheaper and gives a better article for less money than shopkeepers of other nationalities.

I suppose that these shops, which were originally started with the idea of catching the trade of their-fellow countrymen as they came to the market, have gradually attracted the natives, who find it to their benefit to supply their wants from the Chinese. I have noticed during the short time I have been here, about sixteen months, that their shops are increasing fast, and also many handsome stores in the principal streets. They intermarry with the lower class of whites, *mestizas*, and *chobos*, and by these are looked upon as quite a catch, for they make good husbands, industrious, domestic, and fond of their children, while the *cholo* (Indian) husband is lazy, indolent, often a drunkard, and brutal to his wife. I often meet children in the streets whose almond-shaped eyes show their Chinese origin. Great numbers have become converts

to Catholicism, and they are apparently very fervent in their devotions and attentive to the ceremonies of the church. In the cemetery I have noticed several niches, in the costly part of the ground, with Chinese inscriptions. They have hired the second theater of the city, or leased it, for four years, and I believe it is filled nightly. In all, they seem to assimilate themselves to the habits and customs of the country.

I have gathered the following statistics from trustworthy sources, which show the number of Chinese landed in Peru, in 14 years, as coolie laborers, under the old system, now stopped :

1860.....	1,446	
1861.....	845	
1862.....	1,460	
1863.....	3,734	
1864.....	6,633	
1865.....	8,068	
1866.....	6,528	
1867.....	5,246	
1868.....	3,078	
1869.....	4,835	
1870.....	11,488	Children.. 4
1871.....	10,184	Children.. 14
1872.....	13,495	Children.. 73
1873.....	7,116	Children.. 74
1874.....	2,320	Children.. 51
	<hr/>	
Children.....	86,476	216
	<hr/>	
Total.....	86,692	

Some of these have left, gone up and down the coast, to Chili, Ecuador, and Colombia; some to California. The minister of foreign affairs thinks there are now over 60,000 in Peru. This is his idea from the partly-completed census about to be published.

As a result of the treaty and convention between this country and China, signed at Tientsin, June 26, 1874, and of the law of June 16, 1875, copies of which I inclose, the house of Olyphant & Co., of Hong Kong, China, and New York, have, through one of their firm, who is now here, entered into an arrangement with the Peruvian Government to establish a line of steamers between Callao and ports in Asia.

\* \* \* \* \*

On the 8th instant, in the Chamber of Deputies, questions were put to the government relative to this contract for explanation, and I have learned from parties who are informed that the minister of the treasury has asked for some alterations and modifications; that the company shall receive 160,000 silver soles per annum instead of pounds sterling.

I judge there will be other reasons for opposition to the contract, particularly in the clause 19 binding the government to give cargoes of guano and nitrate at Callao, as those articles are shipped directly from the ports or places where produced, and would be expensive to ship to Callao and then reship from there. I was informed by one of the deputies that the contract was too partial to the house of Olyphant & Co., as it was binding on one side only—the government.

A line of steamers for immigrants direct from China would make a great improvement in the Chinese status here, as by this treaty he would come freely as an immigrant, and not under the former odious system of a colonist slave, which no doubt admitted great abuses at both ends;

in China, by man-stealing, kidnapping, and the emptying of the jails, and here in brutal treatment by the contractor of coolie labor.

\* \* \* \* \*

I am, &c.,

RICHARD GIBBS.

No. 243.

*Mr. Gibbs to Mr. Fish.*

No. 122.]

LEGATION OF THE UNITED STATES,  
*Lima, Peru, January 17, 1877. (Received February 12.)*

SIR: I have the honor to refer to my dispatch No. 108, of November 21, last. I there wrote that the present Congress was occupied in forming a new mining code, or, rather, amendment of the old one.

I inclose an extract from the South Pacific Times, of Callao, with the amended mining law as passed in Congress and signed by the President, January 12. This law has been received with great favor by the press of this city with one exception, the church party's organ, *La Sociedad*.

The word "claim" is a "pertenencia" or "amparo" of 200 varas square, as explained in the above-mentioned dispatch.

I am, &c.,

RICHARD GIBBS.

[Inclosure in No. 122.]

[Extract from South Pacific Times, of Callao.]

AMENDED MINING-LAW OF PERU.

Congress having passed the following law, it has now been promulgated by order of President Prado:

ARTICLE 1. A tax of 15 soles per six months is hereby imposed on each claim or mine, of whatever dimension it may be.

ART. 2. Claims or mines of coal, petroleum, or gold are subject to the tax imposed by the foregoing article.

ART. 3. Tunnels, machinery, or other handiwork will not render a mine or claim exempt from this tax.

ART. 4. Owners of mines or their attorneys will pay into the office appointed by law the tax imposed by article 1.

ART. 5. The punctual and continuous payment of this tax is requisite for the legal ownership of a mine, whether it be in work or idle. The owner who ceases to pay in six months will lose all right or claim to the property.

ART. 6. All claims to a mine will be null and void if it be proved that the owner thereof had not paid the tax hereby imposed, even though he does not work the property.

ART. 7. No claim to a mine or the ownership thereof, although it be worked by the defendant, will be heard in a court unless the person bringing the suit produce proof that he has paid the tax.

ART. 8. Each claim and mine is indivisible in the payment of this tax.

ART. 9. Each claimant at law to the possession of a mine shall pay the total amount of the tax, and any one who does not so pay will lose all title to the property.

ART. 10. The payment of this tax shall be obligatory from the 1st of July, 1877, and it shall always be collected within the last two months of each half year.

ART. 11. The proceeds of this tax shall be applied as follows:

1. To cover the expenses of the school of architects and miners.

2. To pay a corps of mining-engineers, who shall be employed in the different mining regions.

3. To generally advance mining interests.

ART. 12. Every person who has or believes he has a claim to a mine, whether it be

idle or at work, shall present to the proper mining committee, before June 30 next, a legalized copy of his titles to the same, and the committee shall give a duly legalized receipt for the same to those interested.

ART. 13. The territorial mining committees shall open a register of mines, in which they shall make certified copies of the documents presented to them, in accordance with the previous article and such as may be issued hereinafter.

ART. 14. Directly such copies shall have been taken, they shall be forwarded to the administrative section of the treasury, where they shall also be copied, and subsequently placed in the archive which will be formed for this purpose.

ART. 15. The administrative section of the treasury will form, from the register thus kept, a general tax-list, which shall be divided into mineral districts. In this tax-list there shall be inscribed: (1) the name and class of mine; (2) the name of the owner thereof; (3) the number of the claims of each owner; (4) the size and situation of each claim; (5) the tax which each owner has to pay.

ART. 16. The said tax-list shall be published during March and September of each year, and during April and October the prefects, subprefects, and territorial committees shall receive a sufficient number of copies to enable them to give it due publicity.

ART. 17. In all subsequent publications of this tax-list only owners will be included who have paid the tax for the previous six months, as provided in articles 1 and 2 and as proved by the lists of the collectors; and there shall only be added to the said tax-list the claims which are duly inscribed in the mining register.

ART. 18. The tax-collectors shall send in a report during February and August embracing the mines which have paid the tax during the previous six months.

ART. 19. All claims of which the owners shall not have complied with the obligations of article 12 by the 30th June, 1877, shall again become the property of the State, and may be claimed by other parties in conformity with the law, and the last possessor shall enjoy no claim thereto after the expiry of that date. Should he endeavor to do so, the judges will pay no attention to the suit.

ART. 20. In the absence of a territorial mining committee, the judges of first instance, in their respective provinces, shall exercise all the administrative and judicial powers conferred on the mining deputies.

ART. 21. The mining deputy, or judge of first instance acting in his absence, in the performance of his duty shall not collect more than ten soles for his expenses during the first league, or more than two soles for each league thereafter. Notaries shall receive one-half the amount of these fees, and witnesses and arbitrators as may be agreed upon with those interested.

ART. 22. Foreigners may acquire and work mines in the republic, and in so doing shall enjoy all rights and be subject to all obligations of natives with respect to the ownership and working of mines, but they cannot exercise any judicial functions under the mining laws.

ART. 23. Building-stones, sand, salt, clay, slate, and other similar substances, shall belong to the owner of the land in which they are discovered. In working they shall not be subject to the mining ordinances, and in State or town lands they shall be common property, although corporations may cede to private individuals the right to work these substances in conformity with the laws and dispositions in reference thereto.

ART. 24. The engineers of the municipal districts will be bound to prepare a practical course of mining and tunnel-driving in order to educate skilled mechanics, and in so doing shall be guided by the plan which shall be drawn up by the president of the mining college.

ART. 25. This law in no way refers to salitre (raw nitrate).

ART. 26. The executive will draw up as speedily as possible regulations for the collection and payment of the tax and for the mining register, which shall be particularly lucid in all relating to the facility of affording proof of the payment or non-payment of the tax, and in designating the offices in which it shall be paid.

ART. 27. All mining ordinances and all laws in reference thereto, which in any way are affected by this law, are hereby repealed.

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No. 244.

*Mr. Gibbs to Mr. Evarts.*

No. 147.]

LEGATION OF THE UNITED STATES,  
*Lima, Peru, May 11, 1877. (Received June 1.)*

SIR: In my dispatch No. 107, of November 13 last, on the status of the Chinese in this country, I referred to a contract, then in treaty, be-

tween the government of this country and Mr. H. S. Geary, an American citizen and partner of the house of Olyphant & Co., China.

After a great deal of discussion the contract was finally signed and approved of by the President of the republic, April 20. I inclose copy of Mr. Geary's second proposition and the modifications proposed by the government, which were accepted by him.

My opinion is that this proposed new immigration will be important and of great advantage to this country. Many attempts have been made to induce European immigration, but up to the present have failed, there being so many other fields more favorable than Peru.

Here the Chinaman is an industrious, hard-working, patient laborer; the climate all along the coast, where the great agricultural fields exist, suits him; his wants are few, and he saves money, when other races live in penury and misery under the same circumstances.

As this plan for Chinese immigration is altogether different from the old one of coolie-labor, the immigrant arriving freely without any trammels, choosing his own work, and earning good wages, at the least one sol per day, with certain knowledge of employment, there will be a superior class of emigrants to leave China for a country which they have some knowledge of, through their countrymen, of whom many traffic up and down the coast from San Francisco to Callao.

The standing of the old and well-known house of Olyphant & Co., of Hong-Kong and New York, is quite a guarantee that they will not be a party, nor lend their influence, to any system that will in any manner be the cause of abuses, as were perpetrated under the name of coolie-labor of former times, which was slavery.

I am, &c.,

RICHARD GIBBS.

[Inclosure in No. 147.]

[From the South Pacific Times.]

#### STEAM COMMUNICATION BETWEEN PERU AND ASIA—CHINESE IMMIGRATION.

The following is the amended proposition of Mr. H. Seymour Geary, of Messrs. Olyphant & Co., on this subject, which, if agreed to, will be allowed to take the place of the contract already made, and attached to it is a decree of government issued consequent thereon. These documents we comment on in our editorial columns:

[Translation.]

YOUR EXCELLENCY: I, H. Seymour Geary, a partner and representative of Messrs. Olyphant & Co., of China, Hong-Kong, and New York, in the United States of America respectfully state: That the Peruvian *chargé d'affaires* in China and Japan expressed in Hong-Kong to the house which I represent, the great interest felt by your excellency and Peru in the establishment of a steamship line between Peru and Asia for the purpose of facilitating the immigration of free Chinese laborers to Peru under the provisions of the treaties recently ratified by this republic and the Celestial Empire, and as Messrs. Olyphant & Co. believed that they could carry out the scheme which at present interests so seriously the agricultural and other industries of this country, I came to Peru some months ago, at the invitation of and accompanying the representative of Peru in China and Japan, and I placed before your excellency a proposition which, after due consideration, led to the repeated discussion of the contract and the observance of legal forms contained in the supreme decree of 2d November, 1876, and published in No. 46 of the official paper, *El Peruano*, issued on December 11 of last year.

Although the said decree is legally a definitive official act, as some doubts have arisen as to the convenience of some of its clauses, and I am desirous as a *bonâ fide* contractor that the agreement should consult the interests of and be equally satisfactory to both parties, I have determined to apply to your excellency and to propose the new contract which follows, the acceptance of which by your excellency will render the existing one null and void.



ARTICLE 1. Messrs Olyphant & Co. will establish a line of steamers between Peru and Asia, and for this purpose will form a company of which they will be the general agents in Asia during the existence of this contract.

ART. 2. Each steamer shall be capable of carrying one thousand passengers, more or less, and shall be so fitted as to comply with all the laws and regulations of the colony of Hong-Kong.

ART. 3. This contract shall remain in force for five years from the day on which the first steamship leaves China for Peru, and during this term the steamers shall make twenty-eight round voyages, three of these being made during the first year, four during the second, and seven during each of the three succeeding years.

ART. 4. The first steamer shall leave China six months after this contract is signed, and the company will appoint fixed dates for all subsequent departures.

ART. 5. All the vessels of the company will carry a doctor and a supply of all medicines which may be required; and medical attendance and medicines will be supplied gratis to the passengers during the voyage.

ART. 6. The Government of Peru will appoint Messrs. Olyphant & Co. special emigration agents of the Republic of Peru in China and Hong-Kong during the term of this contract, in order that they may facilitate emigration and exercise the requisite supervision in regard to the quality of the emigrants leaving China for Peru.

ART. 7. The emigrants shall come to Peru free and spontaneously, and all the stipulations contained in the treaties between Peru and China shall be strictly observed.

ART. 8. The government will provide a place of residence in Callao in which the immigrants brought by the company's ships will be allowed to remain, without charge, for eight days after their arrival.

ART. 9. The vessels of the company will be exempt from all fiscal taxes and municipal dues, in the ports of the republic, and will enjoy the same rights and privileges now granted to the Pacific Steam Navigation Company, or which may be granted to any other line.

ART. 10. The mail-bags will be carried free by the steamers between Peru and Asia, and without any expense to the state. A reduction of 50 per cent. on tariff rates will also be made on the passages of government employes.

ART. 11. In accordance with the law of June 16, 1875, the government will pay the company, during the five years for which this contract is signed, a yearly subsidy of 160,000 soles Peruvian silver money. This subsidy shall be paid in coin, or in nitrate should the government so desire. In the latter case the nitrate will be delivered to the contractors at stated periods during the year, and in such manner as to enable the contractors to receive in China in proportion the proceeds of the sale of this article on the departure from China or Hong-Kong of each steamer for Peru. The nitrate will be sold to the company at the price which is charged by the government at the port of shipment, in the province of Tarapaca, in the epoch of exportation of each cargo. The contractors may introduce and sell the nitrate in any part of the world except Europe.

ART. 12. Should the experience obtained during the first year prove that, notwithstanding the subsidy granted for each of the following years, during which a larger number of voyages have to be made, the company could not effect these without suffering a loss, then it will have the right to suspend all traffic, and the reciprocal obligations imposed by this contract will cease, unless the government, by authorization of Congress, and in consequence of the importance of the enterprise, the manner in which it is conducted, and the benefits derived by the country from the arrival of immigrants, should determine to raise the said subsidy proportionately to the larger number of voyages required to be made during the subsequent four years.

ART. 13. In the event of the company failing to perform one or more trips, as provided by article 3, it will then pay the government 5,000 soles by way of fine. The company, however, will not pay this fine if the interruptions in its voyages were caused by circumstances over which it had no control.

ART. 14. If, at the termination of the five years for which this contract is made, the government should be authorized by Congress to continue the subsidy for a new term, of years, the company will obtain the preference in continuing to maintain steam communication between Peru and Asia, and to receive the new subsidy.

ART. 15. The contractors undertake to introduce as many immigrants as possible, so that at the end of each year at least 500 shall have arrived, on an average, by each vessel.

ART. 16. As stipulated in the contract of March 11, 1876, made by the government with Señor N. Tejerina, the government will give the vessels of the company, should the company so desire, a cargo of 1,000 tons of guano in sacks, for each return voyage to China, but in no case will more than 6,000 tons, yearly, be supplied. Freight on this guano will be paid at the rate of £3 per English ton of 2,240 pounds.

ART. 17. The steamers of the company will be allowed to touch at Japan whenever it is necessary, in order to receive passengers and cargo from that empire.

ART. 18. All questions which may arise between the government and the company

shall be settled by the judges and tribunals of the republic, in accordance with its laws, and in no case shall they give origin to diplomatic intervention.

ART. 19. The contractors will be exempt from the payment of stamp-tax on the notary's instrument to be drawn up containing the present contract.

LIMA, 17th March, 1877.

H. SEYMOUR GEARY.

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No. 245.

*Mr. Gibbs to Mr. Evarts.*

No. 149.]

LEGATION OF THE UNITED STATES,  
*Lima, Peru, May 12, 1877. (Received June 1.)*

SIR: On the night of the 9th instant a most extraordinary phenomenon was noticed on this coast, which has caused considerable damage, as far as heard from, and fears of more, which will not be dissipated until further information can be received.

It was not what is generally called a "tidal wave," but a gentle rising of the sea. It came from the south, as its effects were noticed some hours in Mollendo before it appeared in Callao. Mollendo is about four hundred miles southeast.

Persons of respectability, who saw the movement, state that the sea would rise gradually, swelling, without rolling or billows, some 10 feet above the ordinary tide-mark, and then recede in the same manner, going 4 to 6 feet below low-water mark. This motion was repeated several times, in fact for hours, and also a most extraordinary movement of eddies and whirlpools.

There is a telegraph-cable between Chorillos (a small town on the coast nine miles south of Lima) and Valparaiso, Chili. This cable has connections in shore-lines laid to various ports on the coast. The chief manager of the company informed me to-day that the line has been interrupted at Arica, about one hundred miles south of Mollendo, which interruption, it is supposed, has been the parting of the cable by this extraordinary movement of the sea.

\* \* \* \* \*  
I am, &c.,

RICHARD GIBBS.

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No. 246.

*Mr. Gibbs to Mr. Evarts.*

No. 150.]

LEGATION OF THE UNITED STATES,  
*Lima, Peru, May 12, 1877. (Received June 1.)*

SIR: I have the honor to refer to my dispatch, No. 127, of February 3, on the political affairs of the country. After the closing of the Congress, the government commenced to make changes in many departments in the prefects and subprefects; also some other places of various classes of employés. The department and municipal councils, in making their changes, were accused of fraud by the civilists, and also of having illegally admitted some of the members, who were not, as stated, legally elected by the members of the council. These acts apparently threw the power firmly into the hands of the present administration, and

destroying that of the civilists, the ousted members appealed to the supreme government, which decided, by decree, against them, and their only hope now will be by a tedious litigation in the supreme court.

\* \* \* \* \*

There now appear to be three parties : Civilists, Pradists, and Piérolists, as you will perceive, according to the proclamation referred to in this dispatch.

On the night of the 6th instant a few subaltern officers seized the best ship in the Peruvian navy, the iron-clad Huascar, in Callao Bay, and, taking some parties aboard, left the harbor about half-past 8 p. m. She is of a thousand tons capacity, built in England in 1864, plating four and a half inches, with one turret, nine and a half inch plate ; has a crew of about a hundred and eighty men, capable of accommodating six hundred ; formerly steamed about eleven to twelve knots, now about eight, per hour ; has two 300-pound guns in her turret, and two small ones outside. When it was known here at Lima, the morning of the 7th, there was not much excitement. The papers were filled with official notes on the matter, which showed, to some degree, great negligence or criminality on the part of others in the navy. The Huascar had just come out of dock, had been cleaned, refitted, coaled, and well provisioned for a long period.

The rebels who have taken the vessel are mostly subaltern officers of no standing in the navy, and the crew did not apparently join willingly with the revolt. A few resolute, determined men could have checked the revolt. Some persons from this city joined the rebels, or rather were apparently leaders. One of them has been notorious as an adherent of Piérola, having been banished from the country for former political offenses. He, Col. F. Larrañaga, returned a short time ago, under bond of honor given to the minister of the interior.

On the 8th, the government issued a decree declaring their non-responsibility for any damage that might be done by the rebels to foreign interests, a copy and translation of which I inclose.

On the 10th, I received a note from the minister of foreign affairs, with an authentic copy of the decree above referred to, of which I inclose copy, translation, and copy of my answer.

\* \* \* \* \*

The government, it appears to me, has been very dilatory in its movements ; but this I believe is due to the cause that the other ships of war and monitors were not ready for active service. Yesterday, at half-past 5 p. m., a small squadron of war-vessels and transports left Callao, having on board two battalions of infantry and a brigade of artillery—in all, twelve hundred and seventy-five men. The vessels are the Union and Independence, with the monitor Atahualpa, towed by an English merchant-steamer, purchased at the last moment by the Peruvian government. The squadron were in sight at four o'clock this afternoon, when they appeared to have made a final start for the south.

Everything here in Lima is quiet, and, to me, apparently, an indifference to the whole affair exists ; if there should be an uprising in the south favorable to Piérola, it may change the state of affairs here.

The minister of war, Mr. Pedro Bustamante, has taken charge of this division, and will direct the operations, if any, in the south. The inspector-general of the national guard, and general of division, Mr. Juan Buendia, will act as minister of war during the absence of Mr. Bustamante.

\* \* \* \* \*

England and France are well represented on this coast by fine squad-

rons. On the 7th instant, just in the right time, the Shah, flag-ship of Her Britannic Majesty's squadron in the Pacific, anchored in Callao. She is one of the new and formidable iron-clads of the British navy.

I am, &c.,

RICHARD GIBBS.

[Inclosure 1 in No. 150.—Translation.]

[From the South Pacific Times, of May 10, 1877.]

The President has issued a proclamation regarding the seizure of the Huascar, which we translate below:

Mariano I. Prado, constitutional President of the republic, considering that the disloyalty of a few of the officers of the monitor Huascar, aided by other bad citizens, has led to the taking of said vessel from her obedience to the national government, therefore I decree:

1st. That the authors and their accomplices in the crimes committed on board the monitor Huascar, on the night of the 6th instant, be subjected to due process of law.

2d. That the government denies all responsibility for whatever acts the said insurgents may commit.

3d. The government authorizes the capture of the Huascar, and offers to satisfactorily recompense any person or persons, not belonging to the crews of the vessels composing the squadron of operations, who may cause her submission to the authority of the government or contribute toward it.

The minister of war and marine is charged with the due execution of this decree.

Given at the government house in Lima on the 8th day of May, 1877.

MARIANO I. PRADO.

[Inclosure 2 in No. 150.—Translation.]

No. 8.]

MINISTRY OF FOREIGN AFFAIRS,

*Lima, May 8, 1877.*

SIR: A few naval officers have taken from its duty to the national government the monitor Huascar, of our navy, in the bay of Callao, on the night of the 6th. This act, although of no consequence to the constitutional order of the country, carries in itself all the gravity of a military crime of magnitude, and with it the possibility of greater evils which the abuse of force may cause transitorily to navigation, to commerce, and private property on the coast and in the ports of the republic. The measures adopted by the government will soon restore this vessel to the obedience of the national authority. Meanwhile, it has considered it a duty to avoid all responsibility of the nation for any arbitrary acts of the rebels, and to facilitate that submission by enacting a supreme decree, of which I have the honor to remit to your excellency an authentic copy.

Repeating to your excellency the security of my personal consideration, I subscribe myself as the attentive servant of your excellency.

JOSÉ ANTONIO G. Y GARCÍA.

His Excellency Sr. Don RICHARD GIBBS,

*Envoy Extraordinary and Minister Plenipotentiary  
of the United States of America.*

[Inclosure 3 in No. 150.]

No. 53.]

LEGATION OF THE UNITED STATES,

*Lima, Peru, May 11, 1877.*

SIR: I have the honor to acknowledge receipt of your excellency's note No. 8, dated May 8, inclosing an authentic copy of a decree given by his excellency the President of the republic, relating to the abduction of the monitor Huascar, on the night of the 6th of May. I have the honor to inform your excellency that I will forward to my government a copy of the decree referred to.

I reiterate to your excellency my most distinguished respect and esteem.

RICHARD GIBBS.

His Excellency Sr. Dr. Don JOSÉ ANTONIO GARCÍA Y GARCÍA,

*Minister of Foreign Relations.*

No. 247.

*Mr. Gibbs to Mr. Evarts.*

No. 155.]

LEGATION OF THE UNITED STATES,  
*Lima, Peru, May 19, 1877. (Received June 12.)*

SIR: Referring to my dispatch No. 149, of 12th instant, relative to the phenomenon of the rising of the sea in the bay of Callao, wherein I stated the fears entertained of more serious disasters at the south, these fears have been confirmed, as the damage, ruin, and distress, on the southern part of the coast of Peru, to life and property, have been immense, in which, unfortunately, the United States has been a sufferer in shipping property.

\* \* \* \* \*

The injury to the interests of the republic is incalculable; the guano deposits being greatly damaged by destruction of the works for transportation and loading, which will take a great deal of time and money to replace; also of a large amount of this material lost in vessels destroyed and washed away, or rendered useless by the upheaving of the sea. The same also as to the nitrate works at Iquique, destruction of factories and large deposits; all of which is very unfortunate for this unhappy country under present circumstances, and particularly affecting the income of the national treasury, so deeply overburdened with demands against its revenues.

I see by the daily papers that the loss alone at Iquique is over 3,000,000 of sols, including 320,000 quintals of nitrate.

A great part of the coast has no water-courses or rivers, as it never rains, and the supply is from large condensing apparatus, or machinery, that has been destroyed, leaving numbers without fresh water.

I am, &amp;c.,

RICHARD GIBBS.

No. 248.

*Mr. Gibbs to Mr. Evarts.*

No. 159.]

LEGATION OF THE UNITED STATES,  
*Lima, Peru, June 1, 1877. (Received July 9.)*

SIR: I have the honor to refer to my previous dispatch, 158, of May 28, relative to the affair of the monitor *Huascar*.

On the evening of 28th the press published extras stating that the *Huascar* had arrived at Pisuqua, in the south, and ordered the place to surrender. The forces of the town prepared for a defense, but a party of 80 men from the *Huascar*, under the cover of her guns, landed, and the town was taken after a skirmish. It appears that Piérola's design was to penetrate to Tarapaca, in the interior, where it is supposed he has followers.

The government vessels Independence, Union, and Pilcomayo arrived at that port on the 29th and attacked the *Huascar*, which, according to the official reports, was within rifle-shot of the attacking vessels; the *Huascar*, under the cover of the night, left, and the town of Pisuqua was reoccupied by the government troops; the national vessels went to the port of Iquique, some 40 miles south. On the 30th the *Huascar* appeared off the port of Iquique, and sent a flag of truce to the fleet, stat-

ing that Her Britannic Majesty's ships Shah and Amethyst had attacked them (the Huascar) and with which they had fought, and now asked the assistance of the government vessels to assist and fight the English. The commander of the squadron refused, and consulted with the government. The government answered to take the Huascar at all hazards. This news arrived here at Lima at 3 p. m. on the 30th, and it was reported all through the city that the Huascar had been captured by the Shah. Many other rumors were spread around that the Huascar had been driven ashore by the English fleet and the crew captured by the authorities.

A great deal of feeling had been excited in reference to what was called British intervention, and all parties here seem to be united against this so-called interference.

\* \* \* \* \*

At 5 p. m. on the afternoon of the 30th there was much excitement, and the principal streets were filled with small groups discussing the matter. No one thought of Piérola or the revolution; it was a deep rage and passion against the English.

At 8 p. m. the streets around the main square and fronting the palace were filled with groups more or less excited. Some addresses were made, all on the shame cast, as it was thought, on Peru. These groups consisted, as far as I could perceive, of well-dressed, apparently respectable people; in a half an hour afterward I heard cries of "viva Peru" and "death to the English." Finding the people terribly excited, I returned to the legation.

I was informed that afterward the troops were put under arms and the police force all ready. At 11 p. m. the crowd went to the government house to ask explanations of what had really happened, sending in a commission. They not returning, the mob yelled for the President, who came out on the balcony and made a short address. \* \* \* \* \* The troops were now under arms, surrounding the palace, and their determined appearance stopped all further movement, and long after midnight the crowd gradually dispersed. \* \* \* \* \* Yesterday, the 31st, in the morning, a proclamation from the prefect was posted around the city. \* \* \* \* \* At midday the following telegram was published by the press in "extras:"

IQUIQUE, *May 31*—8.45 a. m.

The Huascar has capitulated to the national fleet. Guarantees to the crews. Piérola will not accept any.

This caused great excitement, and many think that it will be the end.

During the afternoon the streets were filled by an excited, moving crowd, troops being posted in many places. A dispute took place between some cavalrymen and citizens, a few shots were fired, and one or two persons slightly wounded.

The main plaza and approaches to the palace were kept clear. At 9 p. m. I passed through the streets, which were mostly deserted except by troops and police patrol, but an ominous silence seemed to be over all.

I have no doubt that the reports and excitement got up yesterday and the evening previous are part of a design to start a revolution or trouble of some kind. Accusations are freely made that the government was in a complot with the British admiral to take the Huascar. These reports are made to injure the government and to inflame the people's national feeling.

If it had turned out to be true that the Shah had sunk or captured the Huascar, I much fear there would have been an attack on the

English residents here, which to the mob would be all foreigners, and some terrible scenes would have been enacted.

Piérola and friends are prisoners aboard of the Independence on their way to Callao.

I am, &c.,

RICHARD GIBBS.

No. 249.

*Mr. Gibbs to Mr. Evarts.*

No. 161.]

LEGATION OF THE UNITED STATES,  
*Lima, Peru, June 12, 1877. (Received July 9.)*

SIR: In my dispatch No. 159, June 1, I referred to the fight between the rebel ship Huascar and Her Britannic Majesty's ships Shah and Amethyst. The first great excitement has passed, but a deep feeling of resentment remains against this so-called intervention of the English men-of-war, which has stirred all Peru, making Piérola a great hero, the name of revolutionist being nearly forgotten, at the same time there is a proud sentiment of the brave resistance of the Huascar, and which is thought a naval victory. Up to the present, I should state that all the accounts of the fight have been *ex parte*, all from Peruvian sources. I gave a description of the Huascar in my dispatch No. 150, of May 12. The Amethyst is a wooden corvette of 1,890 tons displacement, 14 guns, and 2,144 horse-power. The Shah is not an armored vessel, as I mistakenly stated in a former dispatch, but of iron framing and cased with wood; 5,700 tons displacement, and 7,500 horse-power, 10 guns broadside and 3 heavy 300-pound swivel guns, with the Whitehead torpedo-system. \* \* \* I do not understand how the Huascar escaped being sunk or captured, for it was understood that the Shah by her torpedoes could do great damage; or it may be, as said by some persons here, that the Shah did not wish to destroy the vessel.

From the various accounts published by the press of this city, I have extracted the following items:

The fight commenced by the Shah firing at 2.25 p. m., the English retiring at 5.50. The Huascar fired the last two shots. Over 300 projectiles of all kinds were fired from the two British vessels, of which 80 struck the Huascar. The Shah had mitrailleuses, and when near used them. Only one bomb penetrated the Huascar, which killed one soldier and wounded various persons by splinters. The Peruvian flag, from the peak, was shot away; it was then hoisted aft by a sergeant and a boy under a heavy fire; the sergeant was wounded in two places by splinters. Everything above deck, boats, masts, bridges, chimneys, all except turrets, were swept off by the heavy fire of the English vessels.

The whole affair goes to show that vessels like the monitor Huascar, of fair speed and light armor, well handled, are very formidable vessels; and from what I can learn, if she had had a first-class disciplined crew, with proper officers, she would have been more than a match for the two vessels which attacked her.

The Shah arrived at Callao on the 6th, but left again immediately. This was a matter of prudence, for there is no doubt, if she had remained, conflicts would have taken place with any of the crew that might have come ashore; also her officers would have been exposed to insult. \* \* \* The combat took place near Ilo, and was plainly visible from the shore.

I am, &c.,

RICHARD GIBBS.

No. 250.

*Mr. Gibbs to Mr. Evarts.*

No. 162.]

LEGATION OF THE UNITED STATES,  
*Lima, Peru, June 12, 1877. (Received July 9.)*

SIR: Since my dispatch No. 159, of 9th instant, an apparent conspiracy to change the government was attempted and has failed. The excitement of the affair of the Huascar and Her Britannic Majesty's ships Shah and Amethyst had subsided, but a deep feeling remained against the government by charges that there had been connivance with the British admiral to attack the Huascar.

The press of the evening of the 1st instant published the information that the ministers had resigned in a body; Mr. Buendia, minister of war interim, also, as the actual minister, Mr. Bustamente, was in charge of the troops at the south. The resignations were accepted by the President, except Mr. Buendia, as he was acting only, as stated, and was retained. On the 2d, 3d, and 4th great excitement continued, the stores and principal places of business being closed; on the 4th, groups were scattered through the streets, some crying out "Viva Piérola," others "Pardo," and many "Prado."

On the morning of the 5th, the city was startled by the information that the troops in Callao had seized the castle, deposing General Prado and naming in his place General La Puerta, the first vice-president of the republic. At 11 news was published that the movement had been crushed, the conspirators all having surrendered to the forces sent from this city, the President giving a proclamation.

\* \* \* \* \*

I am, &c.,

RICHARD GIBBS.

No. 251.

*Mr. Gibbs to Mr. Evarts.*

No. 179.]

LEGATION OF THE UNITED STATES,  
*Lima, Peru, July 20, 1877. (Received August 13.)*

SIR: The political state of the country is quiet. Mr. Piérola left Iquique, it is said by order of the government, and went to Chili, where he arrived a few days ago. The ultramontane organ La Sociedad has published some very strong articles against the government in reference to what it calls the ostracism of Piérola. It is generally considered that his arrival at Lima would have been, perhaps, the cause of a revolution. His companions, adherents, and the officers who were on board of the Huascar during the combat with the Shah and Amethyst, arrived at Callao yesterday in the English steamer; twenty-seven persons. Quite an ovation was given them. On stepping ashore, a commission of ladies crowned them with laurel-leaves. Addresses and speeches were made in their honor. On arrival here at Lima a procession was formed which might be called a triumphal entry into the city, accompanied by bands of music and an immense crowd. They passed through the principal streets and plazas, from the balconies of which flowers were profusely thrown on them as they passed. At the head of the procession persons carried banners with various inscriptions:

"All render homage to the defender of the national honor."

"The force of patriotism has conquered English haughtiness."



“He does not remain unpunished who offends the Republic of Peru.”

“The workmen salute their valiant chieftain.”

“Two cannons against eighty.”

“The glory of the sailors of the Huascar is the glory of all Americans.”

“The people of Lima enthusiastically salute Don Nicolás de Piérola.”

And many others of the same kind. Sky-rockets and various kinds of noisy pyrotechnics were freely used along the line of march. The procession arrived at the residence of Mrs. Piérola, when the ovation concluded, after a great deal of speechifying, all quiet and in good order. The government, very wisely, I think, refrained from interfering in any manner, leaving the partisans of Piérola full play, although I know that there was every preparation to curb any outbreak on the peace of the city. It is said that this celebration was gotten up principally by the heads of the ultramontane party. Dr. Tovar, the leading editor of that party's organ, was one of the principal speakers.

I am, &c.,

RICHARD GIBBS.

No. 252.

*Mr. Gibbs to Mr. Evarts.*

No. 182.]

LEGATION OF THE UNITED STATES,

*Lima, Peru, August 6, 1877. (Received September 7.)*

SIR: I have the honor to place before you some information relative to the various nationalities of the immigrants that have settled in this republic. \* \* \* The Peruvian Government has made various laws, and holds out inducements to immigrants by land-grants and other favors, but up to the present has not been successful. The lands offered are to the east of the Andes, and comparatively in a wild region, many parts occupied by Indians, who are yet in a savage state. Several attempts have been made to start colonies, but have advanced very slowly. The communications from the western slope of the Andes, where the greater part of the population exists, are difficult, tedious, and often dangerous, there being no connection except by the old paths, many of them cut centuries past, under the rule of the Incas, so that any products from the other side are brought over in small packages on mules or llama backs, being a slow and costly route. Outlets on the eastern side, it might be said, there are none, if I except the dreams of the Peruvian statesmen, navigation through the tributaries of the Amazon, the Ucayali, Tambo, Urubamba, Huallaga, Marañon, Purus, and others, that go through immense regions, wild, thinly populated by a few Peruvians and aborigines. The Purus is navigable for light-draught steamers to within 400 miles of Lima. Room for immigrants there is plenty. Prescott estimates Peru contained some fifteen millions of inhabitants at the time of the conquest. From what I have seen of ancient cities, ruins, and immense burial-fields, I have not the least doubt that there has been in past time a busy, swarming population of over twenty millions of people, for every foot of available land was cultivated, the Andes being terraced up to the snow-line.

A decree was signed December 17, 1872, by the then President of the Republic of Peru, Mr. Pardo, forming a society for European immigration to assist immigrants and place them on lands to be given by the republic. The society was to be composed of twenty-five members, to be divided into five sections of five each.

1. For England and Ireland.
2. France, Belgium, and Switzerland.
3. Germany, Austria, and Holland.
4. Sweden, Norway, and Denmark.
5. Italy, Spain, and Portugal.

These sections united were to form a general board, and the presidents of the sections united to form a board of directors.

The society had power to invest funds voted by Congress, represent the immigrants, contract transportation, take care of them on arrival, forward them to places where they should reside, distribute lands, provide them with domestic animals and seed for planting, procure work for artisans, and has general superintendence over the welfare of the immigrant, establish agencies in Europe, and the society to make its own rules and regulations. They made some changes, and divided the society into four sections, uniting the third and fourth as above.

I suppose there were brought to Peru, under the auspices of this society, since its foundation, some 2,000 immigrants. Up to May 22, 1874, only 330 had arrived, mostly Italians. This society has not been either efficient or prosperous as far I can learn or judge.

Of the foreigners residing in this country, I place the English at the head of the list as having the most power and influence. The Englishman here cannot be classed as an emigrant, for he seldom emigrates to a country that differs from his own in laws, language, religion, and customs, having his own country's great but thinly inhabited colonies—Canada, British Columbia, and Australia in the first place, and next the United States, where everything assimilates to his native land.

All the great commercial houses in Peru are English, after the chief house is established in London or Liverpool with branches here, Callao, and other ports of the country, and some with branches at Valparaiso and other ports of Chili; then England has a most powerful link that binds all of those establishments in one commercial chain, a power that gathers up the fruit of the Englishman's trading operations from every part of the coast and takes it to his own market, bringing back articles of use, necessity, or luxury to barter with. I refer to the Pacific Steam Navigation-Company of Liverpool, with a capital stock of £2,958,150, having in their possession over fifty first-class steamers, from a thousand to over four thousand tons' capacity. This company is one of the best regulated of the many that English commerce commands, taking into consideration the number of steamers on its books, the great length of the voyages made, and the various countries visited, receiving or distributing articles of trade at all. Every fifteen days a steamer leaves Liverpool touching at French, Portuguese, Brazilian, Chilean, and Bolivian ports, arriving at Callao, discharges, and receiving there the products gathered by the other boats of the company from ports in Colombia, Ecuador, and Peru, north of Callao, returns home to Liverpool, retouching at all the above-named countries, loaded with the products of the fields, forests, and mines of South America.

There did exist a line of Chilean steamers that ran in opposition to the English line between Valparaiso and Panama, touching at intermediate ports in Colombia, Ecuador, Peru, and Bolivia, but it has been absorbed into the Pacific Steam Navigation Company, which to-day commands commercially the whole South American coast, from Panama up through the Straits of Magellan and down to Pernambuco, a line of 113° of latitude, taking the east and west coasts, and drawing from or supplying forty-three ports. This great line was originally established by an American, Mr. Wheelright, whose statue graces

one of the squares in Valparaiso, and, by proper management and attention, could have been taken by the Pacific Mail Company years ago.

In reading over articles in our newspapers on American commerce abroad, and particularly in South America, I am convinced that there is only one way to get a hold in this country, and that is by Americans doing as the English have done, to come with their capital and start large houses here on this coast, and not wait for orders, as we have to compete with an established power that has every convenience and facility with the great European commercial center, London.

There are about 2,000 British subjects in Peru connected with commerce, steamship companies, railroad and gas companies. The principal founderies and plumbing establishments are carried on by Englishmen. The most numerous of immigrants that have arrived in this country are the Italians, and also the same in the other South American countries. This is easily accounted for by the similarity of religion, the facility of acquiring the language, which is of the same basis as their own, and the mildness of the climate.

There are in Peru some 17,000 Italians, in this city about 7,000, and the neighboring port, 4,000. They are industrious, law-abiding, peaceable, and a moral class of immigrants, at this time there being in the penitentiary only three Italians serving sentences for crime. There are some commercial houses, of large capital, and many small tradesmen well to do. Nearly all the small grocery stores of Lima, Callao, and the more important towns are owned by them. The principal flour-mills are owned and run by Italians, a prominent branch of industry, wheat being free, and mostly imported from Chili, while flour pays duty—a discrimination against the many to protect the interest of a few mill-owners. Restaurants and eating-houses are owned by them, and many fishermen along the coast are of this nationality. The Chinaman, with his slow, steady, plodding manner, has encroached greatly on the Italian's field of corner groceries and small eating houses, and generally remains master. There is one small colony of Italians in the interior, at Chauchamayo, and I have heard it is in a prosperous condition.

The Germans are next in number, there being about 3,000. Some are first-class merchants, and have commercial houses of more or less importance in all of the large cities and in the towns along the coast. Here in Lima the greater part of the bakers, blacksmiths, and cabinet-makers, are Germans. All of the brewers (quite an increasing business) are of this nationality. At Pazuzo there is a small thriving colony of Germans, and they have a monthly line of steamers from Callao to Hamburg, touching at Valparaiso, Montevideo, and Havre. The French number about 2,800, and are mostly located in this city and Callao, nearly all shop-keepers and small traders; very few in the interior.

Our countrymen are not emigrants in the true sense of the word; the United States offering such immense fields for their enterprise, the few who go abroad go more for the love of adventure, a roaming disposition, or with an idea of making a fortune within a short time. For these reasons I doubt if there are over 500 in all Peru. The greater part of these came as employés and builders of railroads under the direction of Mr. Meiggs. Of American commercial houses, I only know of one old house long established on this coast and two smaller ones of a later date; but there is room for others, and I doubt not that with some convenient, secure, and cheaper means of transport than we have now, the product of American industries would soon supplant the inferior English class that have a monopoly of this whole coast.

I am, &c.,

RICHARD GIBBS.

## PORTUGAL.

No. 253.

*Mr. Fish to Mr. Moran.*

No. 62.]

DEPARTMENT OF STATE,  
Washington, November 28, 1876.

SIR: I inclose a copy of a letter of the Secretary of the Navy, dated the 18th instant, in which he suggests the desirability of the co-operation of the Governments of Portugal and Brazil in the determination, telegraphically from Paris, of the longitudes of both coasts of South America.

You are requested to present the suggestion of the Navy Department to the Government of Portugal, and to inform me of its reply at your early convenience.

An instruction similar to this will be addressed to the minister at Rio de Janeiro.

I am, &amp;c.,

HAMILTON FISH.

[Inclosure.]

*Mr. Robeson to Mr. Fish.*

WASHINGTON, November 18, 1876. (Received November 19.)

SIR: For the purpose of adding to the safety of navigation, it seems desirable that the longitudes of both coasts of South America should be determined telegraphically from Paris, and that the Portuguese and Brazilian Governments should be invited to co-operate with a sufficient force belonging to our Navy to attain that end.

Should one or both of the governments be pleased to co-operate, our naval parties would take up the work at any point or points desired by them in the Atlantic, whether at Lisbon, the island of Maderia, the Azores, or Rio de Janeiro, and would continue the work across the Continent and along the western coast of South America, wherever the telegraphic line might exist, and with the approval, concurrence, and such aid as Chili and Peru might be disposed to render.

Should either of the governments find it inconvenient to co-operate and be disposed to allow our naval parties the necessary facilities, as has been cordially done by several governments in the West Indies, the work will be executed by us at the earliest period that may be found practicable by this department.

I am, &amp;c.,

GEO. M. ROBESON.

No. 254.

*Mr. Moran to Mr. Fish.*

No. 104.]

LEGATION OF THE UNITED STATES,  
Lisbon, November 30, 1876. (Received December 26.)

SIR: The death, recently, of Field-Marshal the Duke of Saldanha, Portuguese envoy near the court of St. James, has caused much regret in Portugal among nearly all classes, and as he was prominent in the military and political movements of his country for more than sixty years, I venture to report his death, and to forward herewith sketches of his remarkable career, taken from the London Times and the Jornal do Commercio, of Lisbon.

The article from the Times is singularly unjust to the old field-marshal's memory, and contains assertions which are entirely unsupported by the facts. For instance, it implies that he submitted to the French on their invasion of Portugal, in 1807, whereas just the contrary was the case. He served under Wellington in 1808, and in 1810 commanded a battalion at the battle of Busaco, receiving a medal from the Regent of England for his bravery on that occasion. He commanded a division before Bayonne in 1812, and served under Wellington at the battle of Toulouse. I knew him well, and he once told me that he entered London with the allied sovereigns in 1814 as a brevet brigadier-general, being at the time but 24 years of age. And another remarkable event in his career is the fact that he was a member of the congress of Vienna of 1815, and was one of those who signed the famous convention entered into by the allied powers there on the 19th March of that year.

The duke was restless, and frequently gave his government trouble. In the month of May, 1870, he headed a military revolution in Lisbon, which effected the overthrow of his political opponents and placed him in power at the head of a new ministry, which, however, was of but short duration, as it terminated on the 2d of September following. But he was too powerful a rival not to be conciliated, and the mission to London was given him. \* \* \* There he remained until his death, which took place on the 21st instant, in his eighty-sixth year.

Notwithstanding his political course, the duke was highly esteemed by the great mass of the Portuguese people, was an especial favorite with the army; and the nation at the moment is paying sincere respect to his memory, and as a mark of national regard a vessel of war has been dispatched to England to bring his remains in state to Portugal for final interment in Lisbon.

I have often thought that his expedition from England to Terceira, in the Azores, suggested that island to Captain Semmes as a fit and convenient place to arm and equip the Anglo-rebel cruiser "No. 290."

Saldanha's design was to aid Dona Maria against Don Miguel. The expedition consisted of four vessels, not armed or equipped, but believed to be provided with the means of arming the most formidable of their number. His purpose becoming known, and the British Government believing that it had committed a breach of neutrality by allowing him to escape, dispatched, at Lord Wellington's instance, who was then prime minister, a naval force, under Captain Walpole, with orders to prevent Saldanha from landing his men. Captain Walpole carried out his orders effectively. Saldanha demanded an explanation, claiming that his vessels were unarmed and were Portuguese, and were bound to an island under Portuguese authority; but getting no satisfactory reply, surrendered his vessels and men as prisoners. Captain Walpole, however, refused to receive either, and the vessels finally put into a French port. The expedition was nevertheless effectually broken up by Captain Walpole, who fired into one of the vessels, killing one and wounding another man. In Dana's Wheaton, at pages 566 and 567, is an interesting note on the question of neutrality involved in this expedition and its defeat, and Sir Erskine May gives a concise history of the affair and the debates arising from it in Parliament in his excellent work on the English constitution.

That Lord Palmerston knew of this precedent cannot be doubted, but he failed \* \* \* \* to adopt it as a guide in the case of the Alabama, and the world knows with what consequences.

I have, &c.,

BENJAMIN MORAN.

[Inclosure.—Translation.]

[From the Jornal do Commercio, Lisbon, November 22, 1876.]

LISBON, November 21, 1876.

By a telegram from London we have received the sad news of the death to-day, at 10 a. m., in the above city, of the Duke of Saldanha, field-marshal of the army and representative of our government at the court of St. James.

Notwithstanding the generally well-known serious character of the last illness which afflicted the old marshal, the unexpected news of his death was received with deep sorrow, and in the army, especially, it caused the most painful impression.

The Field-Marshal Duke of Saldanha was the greatest glory of the Portuguese army. Trying for the first time the temper of his valiant blade in the defense of the fort of Torres Vedras against the disciplined troops of the first captain of the century, it can be said that since then his propitious star has never waned in the command of his soldiers, whom he so well knew how to lead on to victory.

The Duke of Saldanha, greatly admired in the army for the services which he rendered during the glorious campaign of the Peninsula war, distinguished himself still more in the war for the restoration of liberty and legitimate monarchy by the side of the immortal D. Pedro IV. It was in that struggle that his intelligence, valor, and ability for the chief command of troops showed itself remarkably.

Well-known generals, such as Marmont, Solignac, Macdonald, and a good many others who took part in our political discords, showed their inferiority on more than one occasion as soldiers invested with the chief command, when fighting either side by side or against the gallant marshal, whom death has at last removed from the general esteem of the national army.

Notwithstanding the tempestuous political events through which he passed, notwithstanding his vast learning and deep knowledge of public affairs, the Duke of Saldanha's qualities as a statesman did not correspond with those which distinguished him as a general. Sacrificing often to the impulse of his heart and personal affections the duties which political consistency made him incur or his love of liberty advised him, he had to regain the prestige of his military name with his sword, with his energy and accustomed disregard of danger, and remained at the head of his party. As such, his acts in 1851 redeemed his political errors of 1846, as had his valiant services of 1832 and 1834 pardoned his inconsistencies of 1823.

The memory still remains in all our minds of the enthusiasm with which the whole nation welcomed the bold resolution of the marshal in the revolutionary moment of 1851, and it is not to be denied that it is since that time that tolerance has been established on a firm basis, and that the constitutional *régime* has strengthened the country.

As a man and as a friend, none of his bitterest enemies which the old marshal had during his long political and military career deny him those excellent qualities which ennobled him. Nobody in fact could exceed his generous feelings, and many are aware of his repeated proof of charity in the most painful situations.

The name of the Duke of Saldanha is already in history, and is reserved a glorious place among the most distinguished captains and leaders of the Portuguese army. John Charles Gregory Domingos Vincent Francisco de Saldanha de Oliveira e Daun, first count of Saldanha in 1827; title confirmed on the 14th January, 1833; first marquis of the same title on 27th May, 1834, and first duke on the 4th of November, 1846; peer of the realm, counselor of state, marshal of the army, first aid-de-camp of Dom Fernando, lord chamberlain of the royal house, president of the supreme court-martial, member of the royal academy of sciences, envoy extraordinary and minister plenipotentiary of Portugal at London; was born on the 17th November, 1790. He was minister of war from 26th May to 18th November, 1835; president of the council from 27th May to 18th November, 1835; minister of foreign affairs from 20th to 26th May, 1846, the decree nominating the Duke of Terceira *ad interim* being declared null and void; war, from 26th May to 16th July, 1846, but not being present José Jorge Loureiro *ad interim*; president of the council from 6th October, 1846, to 28th April, 1847; war, from 6th of October, 1846, to 26th April, 1847; during his absence José Antonio Maria de Souza Azevedo acted from the 4th November, 1846, to the 20th February, 1847, and Baron Ovar acted from 20th February to the 28th April, 1847; foreign affairs (*ad interim*) from 6th October, 1846, to 28th April, 1847, D. Manuel de Portugal e Castro acting during his absence from 4th November, 1846, to the 28th April, 1847; president of the council 18th December, 1847, to 18th June, 1849; foreign affairs 18th December, 1847, to 29th March, 1849; war (*ad interim*), 18th December, 1847, to 8th January, 1848; interior, 29th March, 1848, to 18th June, 1849; foreign affairs (*ad interim*), 3d May to 1st June, 1849, through sickness of the Viscount of Castro.

President of the council, 1st May, 1851, to 6th June, 1856; war (*ad interim*), 17th May, 1851, to 6th June, 1856; interior, from 1st to 22d May, 1851, Baron da Senhora da Luz acting during his absence from 1st to 17th; president of the council, from 19th May to the 29th August, 1870; justice (*ad interim*), from 20th to 26th May, 1870; finances (*ad interim*),

from 20th to 26th May, 1870; marine (*ad interim*), from 20th to 26th May, 1870; foreign affairs (*ad interim*), from 20th to 29th August, 1870; public works (*ad interim*), from 20th to 26th May, 1870.

Grand Cross of the Tower and Sword, Order of Christ, of S. Thiago, of Saint Ferdinand of Spain, of Carlos III, of Leopold of Belgium, of Ernest Pio of Saxe-Coburg-Gotha, of St. Gregory the Great of Rome, of St. Mauritius and Lazarus of Italy, of the Legion of Honor of France, of the Salvador of Greece, of the Netherlands Lion, of the White Eagle of Russia, of Albert the Valorous of Saxony, and of Leopold of Austria, Knight of the Annunciation of Italy, of Saint John of Jerusalem and of the Golden Fleece.

Commander of the Order of Conception, Portuguese medals of Bussaco, Saint Sebastian and the Nive.

British medals of Bussaco, Saint Sebastian, and the Nive.

Spanish medals of Victoria, Saint Sebastian, and the Nive, and Toulouse; cross with six clasps, of the campaigns of the Peninsular war.

Star of Gold of the Montevidean war.

Medal with nine clasps of the campaigns of liberty; and

The gold military medals for courage, good services, and exemplary conduct.

He joined the army at fourteen years of age, on the 28th September, 1805; he never was ensign or lieutenant, but passed captain on 24th June, 1806; major, 9th December, 1809; lieutenant-colonel, 5th February, 1812; colonel, 22d June, 1815; brigadier, 22d January, 1818; field-marshal, 6th February, 1826; lieutenant-general, 6th June, 1831, and marshal of the army, 22d September, 1833.

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No. 255.

*Mr. Moran to Mr. Fish.*

No. 111.]

LEGATION OF THE UNITED STATES,

*Lisbon, December 23, 1876. (Received January 13, 1877.)*

SIR: For the information of the Department, I inclose herewith copies of a brief correspondence which has recently passed between myself and Mr. Corvo, in respect to the coral-reef discovered on the 17th November last by Lieutenant-Commander Gorringe, of the United States ship Gettysburg, between Fayal and Cape St. Vincent. Commander Gorringe wrote me from Gibraltar on the subject on the 27th of November and intimated a wish to have the discovery made known here. Believing that the facts might prove useful to commerce and science, I sent them to the Portuguese Government. I have observed that an account of the discovery is going the rounds of the English newspapers.

I have, &c.,

BENJAMIN MORAN.

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[Inclosure 1 in No. 111.]

*Mr. Moran to Mr. Corvo.*

LEGATION OF THE UNITED STATES,

*Lisbon, December 5, 1876.*

SIR: For the information of His Most Faithful Majesty's government, I beg to acquaint you that I have received a communication from Lieutenant-Commander H. H. Gorringe, commanding the United States steamship Gettysburg, dated at Gibraltar the 27th ultimo, in which he states that on his passage from Fayal to Gibraltar he discovered a submarine mountain 17,000 feet in height above the adjacent sea-bottom, the summit of which is capped with a coral bank, on which he anchored his ship in thirty-two fathoms during the night of November 17 and day of November 18, of 1876. The anchorage lies 130½ miles south, 75° west (true) from Cape St. Vincent, in latitude 36° 30' north, longitude 11° 38' west of Greenwich. Lieutenant-Commander Gorringe will soon return to search for dangerous depths, which he believes exist there.

He adds to this interesting information that the coral is of delicate pink shades and doubtless of value.

Should your excellency deem it of sufficient interest to the public and to science and commerce to make this valuable discovery known, I shall be much gratified.

I avail myself of this opportunity to renew to your excellency the assurances of my highest consideration.

BENJAMIN MORAN.

His Excellency JOÃO DE ANDRADE CORVO,  
*§c., §c., §c.*

[Inclosure 3 in No. 111.—Translation.]

*Mr. Corvo to Mr. Moran.*

MINISTRY OF FOREIGN AFFAIRS,  
 DIRECTION OF CONSULATES AND COMMERCIAL AFFAIRS.

I have the honor to acknowledge the receipt of your excellency's note of the 5th instant, in which you inform me of the discovery of a coral-capped reef which the commander of the United States ship Gettysburg discovered on the 17th of November last on his passage from Fayal to Gibraltar.

The competent department and persons interested in this will give publicity to the contents of the note in which your excellency communicates this important discovery.

I avail myself of this opportunity to renew to your excellency the assurances of my highest consideration.

Foreign Office, 9th December, 1876.

JOÃO DE ANDRADE CORVO.

Mr. BENJAMIN MORAN,  
*§c., §c., §c.*

No. 256.

*Mr. Moran to Mr. Fish.*

No. 117.]

LEGATION OF THE UNITED STATES,  
 Lisbon, January 3, 1877. (Received January 30.)

SIR: The Cortes were opened on the 2d instant, by the King in person and I inclose herewith a printed copy of the speech delivered by His Majesty on the occasion to both houses, together with a translation thereof.

Portugal enjoyed comparative prosperity during the past year, but the monetary crisis of August last, and the severe tempests which began early in November and still continue with more or less force, have caused not a little suffering in the kingdom. But these misfortunes have been successfully met by the King and his government, and quiet and contentment prevail throughout the realm and provinces.

Affairs with Spain are friendly, and both nations are doing all they can to maintain amicable relations. This is not such an easy task as might be supposed, taking into consideration the historical prejudices of both peoples and the narrow line of demarkation between the two countries; but it has been wisely carried out during the past year. The escape and return of persons accused of crime impose much trouble on both nations; but a conciliatory disposition on both sides and an honest adherence to the letter and spirit of treaty stipulations do much to enable the respective countries to enforce their obligations in these matters.

There is a strong disposition on the part of the government to develop allways in Portugal, but the people are sluggish about this kind of omunication. Still, new lines have been projected in the north, and



surveys are in progress for the construction of a line called the Beira Alta Railway, which, when completed, will open a much-needed direct railway communication between Northern Portugal and many important towns in the north of Spain, and bring Lisbon within fifty-one hours of Paris; whereas, by the present tedious route, via Madrid, it requires eighty-one hours, and that is often greatly exceeded. When the existing and only line is in order, the run from this to the Spanish capital, a distance of about 550 miles, takes thirty-six hours; but, at the present time, with a road and bridges impaired by the floods, it is impossible to make the trip in less than fifty hours, and the accommodations are of a very poor character. Nobody who knows anything of the trials of the journey will make the trip for mere pleasure.

The Beira Alta Railway will commence at the town of Coimbra, at a junction with the Northern Railway of Portugal, follow the valley of the Mondego as far as the junction of the River Dão; it will then take the high ground between the Dão and the Mondego Pass, near Celorico, bend slightly to the south, passing at the foot of the city of Guarda, and thence to the frontier, crossing it at Villar Formosa, about ten miles south of Almeida. It is proposed to extend the line through Spain, via Ciudad Rodrigo and Salamanca, where it will join the line at present building from that town to Medina del Campo (on the main line of the Northern of Spain Railroad Company), half of which is already opened. The total length of the Beira Alta will be 130½ miles. By this new route the distance from Paris to Lisbon will be about 1,176 miles; whereas by the present route, via Madrid, the distance is 1,449 miles. The difference, therefore, in favor of Beira Alta will be about 273 miles, and a great boon to travelers.

\* \* \* \* \*

I have, &c.,

BENJAMIN MORAN.

[Inclosure.—Translation.]

*Speech of the King at the opening of the Cortes, January 2, 1877.*

*Worthy peers of the realm and deputies of the Portuguese nations:*

Following the constitutional precept, I have come to open the present legislative session, and it is with pleasure I see around me the representatives of the country.

Our relations of good amity continue uninterrupted with all foreign powers.

Since the close of the last session I have received the visit of the Prince of Wales, who remained a few days in this capital. It was pleasant to me, and it has been so to all Portuguese, that the illustrious son of Her Majesty the Queen of Great Britain, who is allied to me as well by his family as by ties of relationship and old friendship, should have come to see for himself how deep and constant is the sympathy which has for centuries existed between the two allied nations.

A bank crisis which sensibly affected several of our principal houses of credit, and which threatened to take alarming proportions, obliged my government to use extraordinary measures, of which due account will be given you. Some proposals of law, tending to avoid as much as possible the renewal of such events, will also be placed before you.

I feel certain that all these papers will be examined with your usual consideration, and I shall rejoice if they merit your approval.

The inundations produced by the last rains, if they on one hand will benefit the lands, on the other have caused damages which it is urgent to remedy quickly. In order to alleviate the evil of that particular nature the spirit of charity was amply developed among all; but in order to repair the damages and injuries sustained by public works and edifices, my government will propose as indispensable the necessary appropriation.

During the last legislative session some important proposals of law of general interest remained pending your consideration; for these and for others which my govern-

ment will present you through the different departments, I call your enlightened attention, mentioning especially the reform of secondary education, of recruiting, and the one which has for object to enable the minister of public works to proceed in the construction of the Beira Alta Railroad.

The colonies continue to deserve the attention of my government, and through the competent ministry you will receive an account of the means proposed to ameliorate the different branches of the service and develop the prosperity of those vast possessions.

I am confident that you will examine everything maturely, and thus promote, as much as possible, the improvements which the said colonies so justly demand.

The situation of the finances claims, as usual, the most earnest attention of the public powers, and my minister in that department will present you the estimate of receipts and expenses of the state for the fiscal year of 1877-1878, and other proposals of law which tend to perfect the collection of revenue and accounts, and ameliorate progressively the condition of the treasury without affecting the tax-payers. I am satisfied that you will examine this all-important matter with special care.

Worthy peers of the realm and deputies of the Portuguese nation:

Calling to your enlightened minds these many and important matters, I count also on your zeal and patriotism, of which you have given so many proofs, in fulfilling your high charges, and I feel confident that, with the aid of divine Providence, we shall all continue in contributing to public happiness.

This session is opened.

No. 257.

*Mr. Moran to Mr. Fish.*

No. 118.]

LEGATION OF THE UNITED STATES,  
*Lisbon, January 9, 1877. (Received January 30.)*

SIR: \* \* \* I have the honor to forward herewith two copies of a pamphlet, in the Portuguese language, expressly prepared and printed by the Chamber of Commerce of Lisbon, in reply to the interrogatories contained in the circular of the monetary commission addressed to the representatives of the United States in foreign countries. The great labor voluntarily assumed by Mr. Henrique de Barros Gomes in compiling this valuable document, and the generosity of the Chamber of Commerce in printing it at their own expense, is an evidence of good feeling toward the United States which deserves to be widely known. I have thanked Mr. Gomes and the chamber of commerce in my own name for this disinterested service, and I trust that this step on my part will meet with your approval.

\* \* \* \* \*

I have, &c.,

BENJAMIN MORAN.

No. 258.

*Mr. Moran to Mr. Fish.*

No. 120.]

LEGATION OF THE UNITED STATES,  
*Lisbon, January 16, 1877. (Received February 5.)*

SIR: With reference to your No. 62, in which was inclosed a copy of a letter to you from the Secretary of the Navy, in which he suggests the desirability of the co-operation of the Governments of Portugal and Brazil in the determination telegraphically from Paris of the longitudes of both coasts of South America, I have now the honor to inform you that I presented this suggestion to the Portuguese Government on the

19th ultimo, and received Mr. Corvo's reply last evening, dated the 10th instant. In this he says that he has the pleasure to inform me that the Government of His Most Faithful Majesty feels disposed to accede to this request, and that necessary orders have been and shall be given to that effect. I have expressed to him the gratification his note has given me, and now forward copies of all the correspondence in the case, and respectfully await your further instructions in the premises.

I have, &c.,

BENJAMIN MORAN.

[Inclosure 1 in No. 120.]

*Mr. Moran to Mr. Corvo.*

LEGATION OF THE UNITED STATES,  
*Lisbon, December 19, 1876.*

SIR: Under instructions from my government, I have the honor to inclose herewith a copy of a letter addressed by the Secretary of the Navy of the United States to the Hon. Hamilton Fish, Secretary of State, in which Mr. Robeson suggests the desirability of the co-operation of the Governments of Portugal and Brazil in the determination telegraphically from Paris of the longitudes of both coasts of South America.

In submitting this suggestion to His Most Faithful Majesty's Government I beg to say that a similar instruction has been addressed to the minister of the United States at Rio de Janeiro, and that should one or both of the governments named be pleased to co-operate, the naval parties of the United States would take up the work at any point or points desired by those governments, in the Atlantic, whether at Lisbon, the island of Madeira, the Azores, or Rio de Janeiro, and would continue the work across the continent and along the western coast of South America, wherever the telegraphic lines might exist, and with the approval, concurrence, and such aid as Chili and Peru might be disposed to render.

But should either the government of His Most Faithful Majesty or that of the Emperor of Brazil find it inconvenient to co-operate, and yet feel disposed to allow the United States naval parties the necessary facilities for the work, as has been cordially done by several governments in West Indies, the work will be executed by the United States naval parties at the earliest period that may be found practicable by the United States Navy Department.

In presenting this suggestion of the Secretary of the Navy of the United States to His Most Faithful Majesty's Government, the purpose of which, if carried out, will add much to the material interests of commerce and the advantages of science, I have to request that your excellency will do me the honor to favor me with the reply of His Majesty's Government at an early day, as it is the desire of the United States Navy Department to begin the work with as little delay as possible.

I avail myself of this opportunity to renew to your excellency the assurance of my highest consideration.

BENJAMIN MORAN.

His Excellency JOÃO DE ANDRADE CORVO.  
&c., &c., &c.

[Inclosure 3 in No. 120.—Translation.]

*Mr. Corvo to Mr. Moran.*

MINISTRY OF FOREIGN AFFAIRS,  
DIRECTION OF CONSULATES AND COMMERCIAL AFFAIRS,  
*Lisbon, January 10, 1877. (Received January 15.)*

In answer to a note which your excellency addressed me on the 19th December last past, relative to the desirability of determining telegraphically from Paris the longitudes of both coasts of South America, and desiring the co-operation of the Portuguese authorities to that end, I have the pleasure to inform your excellency that the government of His Most Faithful Majesty feels disposed to accede to the request of which your excellency is the interpreter, and that necessary orders have and shall be given to that effect.

Foreign Office, January 10, 1877.

JOÃO DE ANDRADE CORVO.

Senhor BENJAMIN MORAN, &c., &c.

[Inclosure 4 in No. 120.]

*Mr. Moran to Mr. Corvo.*

LEGATION OF THE UNITED STATES,

*Lisbon, January 16, 1877.*

SIR: I have the honor to acknowledge the receipt of your excellency's note of the 10th instant, in reply to the one which I addressed to you on the 19th of December last, under instructions from Mr. Fish, suggesting that His Most Faithful Majesty's government might be pleased to co-operate with the Governments of the United States and Brazil in the determination telegraphically from Paris of the longitudes of both coasts of South America, and I am gratified to learn that His Majesty's government is disposed to accede to this request, and that the necessary orders have been and shall be given to that end. I shall at once inform Mr. Fish of this reply, and promptly communicate to your excellency any further information I may receive from my government on the subject.

I avail myself of this occasion to renew to your excellency the assurances of my highest consideration.

His Excellency JOÃO DE ANDRADE CORVO,  
*&c., &c., &c.*

BENJAMIN MORAN.

No. 259.

*Mr. Moran to Mr. Fish.*

No. 131.]

LEGATION OF THE UNITED STATES,  
*Lisbon, March 13, 1877.. (Received April 4.)*

SIR: Referring to your No. 62, and to my No. 120, relative to the co-operation of the Government of Portugal with that of the United States in the determination telegraphically from Paris of the longitudes of both coasts of South America, I now have the honor to forward herewith copy of a letter, and translation thereof, addressed to me by the Marquis d'Avila e de Bolama, on the 8th instant, by which it will be seen that the necessary orders have already been given by His Most Faithful Majesty's government to the proper officers in the Azores, Madeira, and continental Portugal to render to the Navy of the United States their services in the proposed undertaking. I add a copy of my reply to the marquis's note.

I have not been able to learn whether His Majesty's government will detail one of their ships of war to aid in these scientific observations, but as neither Mr. Corvo nor the Marquis d'Avila has said anything in reply to the suggestion of the Secretary of the Navy on that point, I infer not, and in this I am confirmed by the expressed purpose of the new cabinet to practice economy as far as possible in naval matters.

I have, &amp;c.,

BENJAMIN MORAN.

[Inclosure 2 in No. 131.—Translation.]

*Marquis d'Avila e de Bolama to Mr. Moran.*

MINISTRY OF FOREIGN AFFAIRS,  
 DIRECTION OF CONSULATES AND COMMERCIAL AFFAIRS,  
*Lisbon, March 8, 1877.*

In addition to the note dated 10th January last, which my predecessor had the honor to address to your excellency, I now have the honor to inform you that the necessary orders have been sent to the civil governors of the districts of Azores and of Funchal,

and on the continent to the heads of scientific institutions and to the civil governors of districts where sea-ports are situated, in order to offer to the Navy of the United States their good services, which it perchance might require in the studies which it proposes to undertake in order to determine telegraphically from Paris the longitude of both coasts of America, and that also the general direction of geodesical studies and the direction of telegraphs and light-houses of the kingdom have already knowledge of the resolution of the government of His Majesty to co-operate in the proposal of the United States of America.

I avail myself of this occasion to renew to your excellency the assurances of my highest consideration.

Foreign Office, March 8, 1877.

MARQUIS D'AVILA E DE BOLAMA.

Sen. BENJAMIN MORAN, *&c.*, *&c.*

[Inclosure 3 in No. 131.]

*Mr. Moran to the Marquis d'Avila.*

LEGATION OF THE UNITED STATES,  
*Lisbon, March 12, 1877.*

SIR: I have the honor to acknowledge the receipt of your excellency's note of the 8th instant, in which you are so good as to inform me, with reference to my correspondence with your predecessor on the subject, that the necessary instructions have been sent to the civil governors of the districts of Azores and Funchal, and on the continent to the heads of scientific institutions and to the civil governors of districts where sea-ports are situated, in order to afford to the Navy of the United States their good offices which it may require in the studies which it proposes to undertake to determine telegraphically from Paris the longitudes of both coasts of South America; and that the direction-general of geodesical studies, and the director of telegraphs and light-houses of the kingdom, have also already been informed of the resolution of the government of His Majesty to co-operate in the proposal of the United States in regard to these contemplated scientific observations.

I have to thank your excellency for the information contained in your above-mentioned note, and for the cordial manner in which His Most Faithful Majesty's government has responded to the suggestions of that of the United States in regard to the proposed undertaking. I shall promptly forward a copy of your excellency's note to the Secretary of State at Washington, and when I am favored with further information on the subject to which it relates will do myself the honor to communicate it to you.

With renewed assurances of my highest consideration, I am your excellency's most obedient servant,

BENJAMIN MORAN.

His Excellency the MARQUIS D'AVILA E DE BOLAMA,  
*&c.*, *&c.*, *&c.*

No. 260.

*Mr. Evarts to Mr. Moran.*

No. 89.]

DEPARTMENT OF STATE,  
*Washington, May 4, 1877.*

SIR: On receipt of your dispatches numbered 120 and 131, reporting the favorable disposition of Portugal toward co-operating with the proposed United States naval expedition for determining the telegraphic longitudes from Northern Europe to the coasts of South America, a copy of them was transmitted to the Secretary of the Navy for his information. A letter has now been received from that officer stating that the Navy Department has not fully determined as to the time when the work shall commence at Lisbon, but that it is its intention to send a vessel to that port not later than November next to begin observations, and as they

are completed, to carry them along the line indicated. He also expresses the thanks of the Navy Department for the courteous co-operation of the Portuguese Government in this useful work. You will advise the government at Lisbon accordingly.

I am, &c.,

WM. M. EVARTS.

No. 261.

*Mr. Moran to Mr. Evarts.*

No. 150.]

LEGATION OF THE UNITED STATES,  
*Lisbon, May 24, 1877. (Received June 21.)*

SIR: I have the honor to forward herewith a copy of the Portuguese White Book, containing documents presented to the Cortes in its legislative session of 1877, by the secretary of state for foreign affairs. The most interesting of these papers consist of copies of a correspondence between the British and Portuguese Governments on the slave trade on the east coast of Africa, the late blockade of the coast of Dahomey, and the navigation of the Zambezi and Chiri rivers as far as Lake Nyassa, an inland sea, over a portion of which, at least, Great Britain claims jurisdiction on the ground of priority of discovery by British explorers. The note of Mr. H. Clarke Jervoise to Mr. Corvo of the 4th of June, 1876, on this subject merits attention. In consequence of a then recent concession made by the Portuguese Government to two merchants of Lisbon, whereby the exclusive right had been conceded to them of the steam navigation of the rivers Zambezi and Chiri, and the delta of the Zambezi for thirty years, Mr. Jervoise raised the question of the right of a state to the unobstructed navigation, to and from the sea, of a river flowing from its own territory through that of a neighboring nation; and asserted the jurisdiction of Great Britain over a portion of Lake Nyassa, a point which Mr. Corvo tacitly yielded; whereas he declares that the right of states on the upper part of a river to use its lower waters "is always a matter of special treaty, so as to assert the sovereignty of a state over its own waters."

\* \* \* \* \*

The volume contains copies of treaties concluded between Portugal and other nations since the issue of the White Book of last year; the most interesting of which would seem to be that which regulates the transit between Portugal and Spain, concluded at Lisbon on the 16th of January, 1877. In this there is a stipulation touching the navigation by both nations of the River Douro, which expresses the very principle on that point which is laid down by Mr. Corvo in his note of the 3d of October last to Mr. Morier in regard to the Zambezi and Chiri Rivers.

I have, &c.,

BENJAMIN MORAN.

No. 262.

*Mr. Moran to Mr. Evarts.*

No. 153.]

LEGATION OF THE UNITED STATES,  
*Lisbon, May 29, 1877. (Received June 18.)*

SIR: I had the honor on the 26th instant to receive your No. 89, and I immediately addressed to the Marquis d'Avila a letter, informing his

excellency of the intention of the Navy Department to send a vessel to Lisbon, not later than November next, to begin observations touching the telegraphic longitudes of South America; and at the same time, in compliance with your instructions, conveyed to him the thanks of the Navy Department for the courteous co-operation of the Portuguese Government in this useful work.

I inclose a copy of the letter in question, and am, sir, &c..

BENJAMIN MORAN.

[Inclosure.]

LEGATION OF THE UNITED STATES,  
*Lisbon, May 26, 1877.*

MONSIEUR LE MINISTRE: I had the honor to address a letter to your excellency's predecessor, Mr. Corvo, on the 19th of December last, requesting the co-operation of His Most Faithful Majesty's government with the United States Navy Department in determining telegraphically from Paris the longitudes of both coasts of South America.

I received from Mr. Corvo a most cordial reply, dated 10th of January ultimo, offering co-operation, and stating that orders had been given to that effect. I further received from your excellency a note, dated the 8th of last March, informing me that instructions had already been given to the proper officers in the Azores, Madeira, and continental Portugal to render assistance to the United States Navy in this useful work.

I communicated both these letters to my government, and I have now the honor, in compliance with their instructions, to offer the sincere thanks of the Navy Department of the United States for the courteous assent of the Portuguese Government to their proposals.

I am desired, however, to add that the Secretary of the Navy does not propose to commence taking observations until next November, when he will send a vessel to Lisbon for that purpose.

I avail myself of this opportunity of renewing to your excellency the assurances of my highest consideration.

BENJAMIN MORAN.

His Excellency the MARQUIS D'AVILA E DE BOLAMA,  
*Minister and Secretary of State for Foreign Affairs.*

## RUSSIA.

No. 263.

*Mr. Boker to Mr. Fish.*

No. 89.]

LEGATION OF THE UNITED STATES,  
*St. Petersburg, October 9, 1876. (Received October 26.)*

SIR: According to your instructions No. 53, I have the honor to transmit herewith information concerning the Life-Saving Society of Russia, furnished through the courtesy of Admiral Possiet, its president, and of Captain Baronoff, chief inspector of the association. \* \* \* \* \* The first life-saving system was established in 1865, and comprised but five stations. This was purely a governmental affair, and continued with very limited apparatus until 1872, when the present system was inaugurated by private enterprise, under sanction of the government, and for the past two years aided by it.

Supported by voluntary contributions the income amounts annually to 120,000 roubles (\$84,000 United States currency), including, however, an annual subscription of 25,000 roubles (\$17,500 in United States currency) from the government. The society is under the especial patronage

of the Hereditary Grand Duchess, and is officered by a board of twelve members of council, composed of government officials and wealthy merchants, presided over by His Excellency Vice-Admiral Possiet, minister of the department of ways and communications, its material efficacy being secured by two inspectors, one for each of the geographical districts of the empire covered by the society's operations. These inspectors are captains in the navy, and have their bureaus at St. Petersburg (Captain Baronoff's), and at Nicolaieff (Captain Nebolsine's), while at Reval Captain Sharnberg is local inspector under the first named. The districts are, respectively, the northern, comprising that part of the empire lying north of a line passing from east to west through Tchernigoff, Kursk, Varonish, and Kamishin; and the southern district embracing the territory south of this line. The stations now number 36 on the sea-coast, and 80 on the great lakes and rivers, and their positions are displayed on the maps sent.

At stations remote from settlements the force is permanent; at others only a small percentage of continuously employed men is kept; a code of signals, in case of need, summoning a full detail, who are paid according to the work performed.

Originally beginning with the Peake (English) system, the changes necessary have been made as the society's means have allowed, and notwithstanding the progress still advisable, the lack of funds only authorizes a gradual adoption of improved appliances and the creation of new stations.

The Francis life-boat is the only distinctively American invention used, and the only apparatus not taken from the systems of other nations are comprised in the ice-ladder (shown at pages 38 and 39 of the pamphlet "Glory of saving human life"), the ice-boat, the Finnish boat, the cutter, and the improved life-boat. Of these four boats I have the honor to hand you tracings, as already stated. The statistics of the society, its regulations, history, and apparatus, are fully set forth in the pamphlets supplied, and there appear to be no important variations from appliances already in use in England and Germany, with the exceptions noted. \* \* \* \*

The Russian society will be very thankful to receive as much detailed information concerning the life-saving service of the United States as may be furnished, and express willingness to supplement the information I now have the honor to transmit.

I have, &c.,

GEO. H. BOKER.

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No. 264.

*Mr. Boker to Mr. Fish.*

No. 94.] LEGATION OF THE UNITED STATES,  
*St. Petersburg, November 2, 1876. (Received November 20.)*

SIR: On the afternoon of the 30th ultimo, the Turkish forces carried the position of Djunis (Diounisch) on the extreme right of the Servian lines, after a severe struggle, in which the losses among the Russian volunteers were most severe. This victory, by placing the Turks on the flank of the Servians, at a point commanding the communications of the left bank of the River Morava, and virtually exposing Servia, even to Belgrade, is the most important military action in the struggle, and with



its announcement appeared the following Imperial Russian promulgation :

His Majesty the Emperor has ordered, to-day (October 30) that the aide-de-camp, General Ignatieff (ambassador to Turkey), shall declare to the Sublime Porte that if, within a period of two days, the Porte should not accept an armistice of six weeks or of two months, and if the Porte should not issue immediate orders to arrest military operations, the ambassador shall quit Constantinople with all the *personnel* of the embassy, and diplomatic relations shall be broken.

By this act Russia \* \* \* \* appears before the world as the avowed champion of the Slavonic race, fully armed and seemingly willing to accept all the perils of the situation. I, however, believe that this position has not been assumed by Russia without previous satisfactory assurances as to what will be the future policy of Germany, and this opinion is strengthened by the published advices since received, and by the significant language of the German Emperor at the opening of the Imperial Parliament. Reports are constantly received here that the armistice is agreed to by the Porte, but thus far nothing official has been announced, and it is difficult to predict how the present very critical position may end. It is not, however, too much to hope that Turkey may accept the best terms possible under present circumstances, unsupported as she is by any other power, and that actual warfare may be suspended by the intricate and probably tedious diplomacy necessary to rearrange the status of the provinces now in revolt.

I have, &c.,

GEO. H. BOKER.

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No. 265.

*Mr. Boker to Mr. Fish.*

No. 111.]

LEGATION OF THE UNITED STATES,  
*St. Petersburg, December 8, 1876. (Received December 27.)*

SIR: I have the honor to inclose herewith two copies of an article from the *Journal de St. Petersburg*, with a translation of the same, giving a synopsis of the principal provisions for levying troops in Russia, under the law of compulsory military service.

I have, &c.,

GEO. H. BOKER.

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[Inclosure.—Translation.]

[From the *Journal de St. Petersburg*, November 21 (December 3), 1876.]

ST. PETERSBURG, *November 20 (December 2).*

The *Bulletin des Lois* publishes the regulation for the troops sanctioned by the Emperor 30th October, 1876. It comprises 42 chapters. These are the principal provisions :

I. In levying troops (article 5 of the law of compulsory military service) the individuals registered are called into service according to categories of ages, commencing with the youngest, and in each of these categories in the order of numbers drawn by lot in the conscription. The same method is used in calling out troops of the first *ban* destined to re-enforce the standing army. Individuals registered as *libérés* (free) of the reserve of the army and navy will be taken in the first, second, third, and fourth *ban* of troops, according to the length of their absences after discharge, namely, those whose absences have been of less than a year's duration in the first *ban*, of one to two years in the second, two to three years in the third, and of more than three years (if the individual should be under the age of forty years) for the fourth. The number of men necessary to constitute the different portions is decided by imperial order. The calls for re-enforcement of the standing army are determined by an ukase to the directing senate.

The duty of dividing the levy among the governments belongs to the minister of war, and of the subdivisions of the levy of each government or province to the recruiting commission of such governments or provinces. In case of a call for troops each person holding a certificate of military registration must present himself to the subdivision from which he received it. Exemptions from service embrace those persons designated in article 24 of the regulations for compulsory military service, as well as teachers in educational establishments. (Article 63, p. 3, of said regulations.)

II. The calling out of troops and the formations of the *Corps de la Milice* must be effected with the least possible delay, without exceeding the period of twenty-eight days after receipt of the order for the levy. The troops are composed into battalions of infantry, squadrons of cavalry, and naval crews. The first two classes are called by governments and by provinces, and the last class at points fixed by the minister of the navy. The troops of each government will be placed under the orders of a chief, who will be assisted by an administration. Choice for the posts of officers will be made in each government by the *zemstvo*, and notice of such selection furnished to the minister of war. The chiefs of troops of governments, as well as those of the infantry battalions and cavalry squadrons, are to be confirmed in their functions by supreme order. Nomination of officers for ships' crews is reserved to the navy department.

There will be admitted to service as chiefs of troops of governments and provinces and as commandants of detachments and companies, individuals in the effective forces ranking as officers and who have completed the term of service required in the reserve of the army and navy. Detachments and companies once formed will be reviewed by the military chief of the place, and when recognized as fit to take the field, notice of it will be given to the staff by chiefs of governments and provinces; from such time these troops will be under jurisdiction of the war department. Sailors making part of the force raised will report to the navy department on arrival at the place designated for their assembly.

III. Men forming part of the levy as officers or in inferior grades will enjoy all rights belonging to the regular service, and will be under military law. On his entry into the service each soldier receives a distinctive sign (*signe*) visible at the range of a musket. Rights of officers as to command are fixed in the following manner comparatively with grades and duties of the regular army: The chief commander of a government or a province corresponds in grade to a major-general, and in duties to chief of division; commander of a detachment to a lieutenant-colonel, with the duties of a battalion commandant; commander of a cavalry company to a major, with prerogatives of a chief of squadron. Those persons who, while possessing the necessary conditions to fill the posts of officers, shall not have been chosen, are not compelled to enter the service against their wills as soldiers, but form part of the reserve to fill vacancies among the officers in these levies and in the army. Soldiers free (*libérés*) of the reserve of the army and navy will be in these levies under similar conditions with those who remain in the regular service beyond the required term. All combatants have the right to wear uniforms conforming to the rule for regular forces. Individuals doing duty as civil officers keep their appointments in spite of being called upon for military service and are reinstated after their discharge.

VI. All arrangements for the levy and for the formation of the parties composing it will be in charge of committees of the government, the province, the district, and the *urbain* of recruitment. They will be careful, to this end, to array registers conformably to instructions jointly approved by the minister of the interior and the minister of war, and also a special list of individuals who may be chosen as officers. The plan of forming the levies of governments and provinces is presented by these administrations at an expedient time to the staff.

V. All expenses for victualing, maintenance, and moving combatants of the first *ban* called out to re-enforce the army and the navy will be a charge against the treasury. As to other parts of the levy, the Crown furnishes the arms, munitions, and complete maintenance from the day of their entry within the jurisdiction of the war and navy departments to that of disbanding. The duties of the *zemstvos* comprise equipping the troops (excepting with arms and munitions), acquiring horses, arranging for forage, field medical dispensaries, and the maintenance and billeting of the soldiers, whether individually or by companies, until the day of their coming under the jurisdiction of the war or navy departments. To meet these expenses the *zemstvo* may borrow the funds to expend, and in default of these the finance minister opens credit for the sums, repayment of which may be deferred three to six years.

VI. Disbanding of the levies is promulgated by an ukase to the directing senate. Maintenance at the expense of the Crown continues until the day of the arrival home of soldiers forming part of the regular army; and as to the other troops, until they reach the place of disbanding. Their final return to their homes is at the expense of the *zemstvo*.

VII. Individuals who screen themselves from the call during the delay noted, without proper cause, are amenable to the penalties provided by article 146 of the regulations for compulsory military service, and if discovered after disbanding of the troops will suffer a penalty of imprisonment from four to eight months.

No. 266.

*Mr. Boker to Mr. Fish.*

No. 132.]

LEGATION OF THE UNITED STATES,  
*St. Petersburg, March 2, 1877. (Received March 22.)*

\* SIR: In continuation of my dispatch No. 124, treating of the present relations of Russia to the Eastern question, I have the honor to say that some fresh light has recently been thrown on this bewildering topic. It is notorious that in Russia there is a strong party eager for an immediate attack on Turkey, the pressure of whose opinions has forced the reluctant government into that measure of warlike action which has been exhibited by a mobilization of the army, and by such utterances of dissatisfaction with the actual state of things as from time to time have emanated from the pen of Prince Gortchakoff, and from the less temperate expressions of the Russian press.

The war party of Russia, the focus of which is at Moscow, may be presumed to be sincere and well-meaning in the advocacy of a war whose object is to win religious and political emancipation for their suffering brothers of the Slavic race, and for their co-religionists throughout the Turkish Empire. It was at Moscow that the Emperor delivered the notable speech which was so enthusiastically received by the warlike spirits of Russia, but which cooler heads in other places regarded as a red cloak thrown over the eyes of an angry bull, as an effort, and a successful one, on the part of the Emperor to assume the leadership and direction of a movement which, at that time, he might not else have been able to control. At St. Petersburg there is no such violent desire to rush to arms as exists at the ancient capital; for the threatening condition of the national finances, the dullness of commerce and of trade, and the numerous bankruptcies among brokers and merchants, have depressed the popular spirit to a degree that can find little enthusiasm to bestow on any political subject. Notwithstanding the apathy at the capital, which extends, because of the known policy of the Emperor, to the officials of the government and to the officers of the army, it cannot be denied that, taking the empire as a whole, the feeling in favor of a war with Turkey is a popular one.

I have spoken of the war party of Moscow as honest zealots; but, in any popular commotion which may hereafter occur in Europe, we must not lose sight of a compact and well-organized body of extreme liberals known under the title of "Internationals." This society exists in every country in Europe. In Germany, to the disquietude of the strong government of that country, at a late election, the Internationals are said to have cast over seven hundred thousand votes. The society has its branches even in absolute Russia, where it spreads among the lately enfranchised peasants tracts and circulars teaching the doctrines of the *communards* of Paris, as many police seizures during recent years have shown. The members of this society have learned wisdom from the experience of the men who, in former days, were called conspirators. The Internationals no longer offer themselves as almost willing political martyrs. Their movement is a safer one for themselves, and, in the end, a more dangerous one for the constituted authorities. Their rule of action seems to be to go just as far as they prudently can in opposition to regal government, but no farther. In Russia they content themselves with circulating inflammatory documents. \* \* \* In free governments they vote with the extreme liberals, inspire the press with their ideas, and seize every occasion to foment popular demonstrations. I have

learned that throughout Europe the Internationals are now straining every nerve to bring about a general war, sure in their own minds that popular freedom will profit by the commotion, which, indeed, seems to be the necessary historical deduction to be drawn from all the great wars of the past. Of course the Internationals belong to the extreme war-party in Russia, and their influence is the more potent because of their organization and singleness of purpose. With them, as with their opponents, the governments, popular suffering seems to form no element of their consideration in evoking the spirit of war. The success of the idea, of which they are logically persuaded, is worth more than all the blood and the property that can be staked on the uncertainties of battle. Go as the wars may, whether for or against the particular countries of which they are severally subjects, human rights and political liberty are sure to be gainers in the end. It remains to be seen if the Internationals are right in what they call in Germany their "political philosophy," but, as I have before said, in any European convulsions which may hereafter arise, it will be wise to take into account the part which this powerful society may play.

Another condition of things tending toward a warlike solution of Russia's interest in the eastern question is in the discontent and eagerness for action which are said to exist in the large army massed on the Roumanian frontier, and expecting to be let loose on Turkey at the breaking up of winter. So fierce is the spirit for war among these soldiers that it is thought they will refuse to be demobilized unless they are first given a breathing against their ancient enemy, the Turk. In fact, the vast military system of Europe, which is supposed to be the effect of former wars, now threatens to become the actual cause of future wars. Statesmen begin to talk of giving armies employment as a matter of necessity, and one can hardly look for the certainty of permanent peace while these gigantic armies exist, or predicate anything of the future, save that Europe is at every moment on the verge of a general war.

The mobilization of the Russian army on its present moderate scale is costing the country not less than a million of roubles a day, and millions of roubles are not plenty in Russia just now. The Emperor promised, on his honor—and it was also announced officially at the conference of Constantinople—that Russia, by her intervention in the Eastern question, sought no aggrandizement; nothing, in short, but an amelioration of the condition of the Christians in Turkey. I believe that pledge to have been loyally given, and that had Turkey yielded to the demands of the powers, it would have been as loyally kept. One cannot, however, say what may be the state of things should Russia be obliged to draw the sword, in view of the great expenses already incurred and that will have to be incurred in the prosecution of a war.

\* \* \* \* \*

As a further encouragement of the war party in this country, it is believed that an easy victory over the Turks will be an assured result of war. In spite of all that has been said by the friends of Turkey to the contrary, it is now known that the reported numbers of the Turkish soldiers are vastly exaggerated; that their discipline is wretched and rather deteriorating than improving by service in the field; that such losses as they have already sustained in Servia and Montenegro have been hardly and incompletely repaired, and that they would be helplessly swept away before the advance of any well-organized European army. The latter opinion is the substance of the views of a

warm Turkophile, a distinguished ex-officer of the British army, who came to his conclusions after a careful inspection of the Turkish forces.

The foregoing are the more prominent reasons that may be urged in favor of the probabilities of a war between Russia and Turkey. On the other hand, both the Emperor and Prince Gortchakoff love peace for peace's sake, and because they believe that the best interests of the empire demand a long season of calm for the development of the power and the wealth of the people. Russia, too, is unprepared for war financially, and from a military view. For years past, permanent and temporary loans have been periodically necessary to make a balance of the two sides of the budget, while every new fiscal year has found a deficiency to be supplied in the underestimates of the expenses of the predecessor. Out of this condition of things the skillful minister of finance is just beginning to see a clear way, provided there be a continuance of peace.

The new military system of Russia, which was copied from that of Germany, needs five years of further development to bring the army up to the number and into that state of efficiency which military men think necessary for the needs of the empire.

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I have, &c.,

GEO. H. BOKER.

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No. 267.

*Mr. Atkinson to Mr. Evarts.*

No. 157.]

LEGATION OF THE UNITED STATES,  
*St. Petersburg, April 16, 1877. (Received May 3.)*

SIR: The efforts for a peaceful solution of the Eastern question having failed so signally, there is no longer left in Russia any hope of avoiding war, and preparations are being made in a calm, matter-of-fact manner, very unlike the enthusiasm which, during the past year, has several times seemed to promise instant conflict.

A small but intelligent party has, until within a few days past, steadily believed that war could be averted, but even the most stubborn of this party has yielded to the logic of the position, and no one now believes peace possible, except by some diplomatic miracle or by a recession on the part of Turkey, which nothing in her present attitude warrants. On the contrary, the Porte's defiant rejection of the London protocol may be called the actual point of collapse of the negotiations toward peace.

Whether wisely or not, Russia had already taken so advanced a position as to reduce the question to the mere submission of Turkey to her views, either before or after an appeal to arms.

Russia approaches the issue with determination but with evident regret, and there appears no thought of seeking to avoid war by accepting less than has been asked of Turkey.

The more intelligent Russians realize that war means a halt in the national progress, a paralysis of the growing industries of the country, and perhaps even renewed attempts toward conspiracy and riot on the part of disaffected subjects. Of this latter, however, the danger is too remote to carry much weight.

The opinion here is, that while the result of the war must be crushing to Turkey, in the alteration of her boundaries, and in the liberation,

more or less complete, of her Christian subjects, the struggle will be short and sharp, but that outside complications are almost certain to arise, and that these may lead to a long and involved series of conflicts; that the peace of Europe being once broken, grave danger exists of its map never again being restored to its present lines, and that, although the question of the moment lies between Russia and Turkey, its ultimate bounds are not discernible.

\* \* \* \* \*

In point of equipment, the Russian and Turkish forces are probably about equal, and the superior discipline of the Russian troops is opposed by the reckless, fanatical courage of the Turk. Without extraordinary organization and expense, the work of supplying an advancing Russian column will be impossible, and the country to be fought over is practically barren of forage and provisions and deficient in communications.

However, war with any result other than Russia's defeat will be more welcome to the country than further endurance of the strain upon its purse-strings and the anxious suspense caused by the large army mobilized on the frontier, and for some weeks the feeling has been pronounced that the choice lay between war or speedy demobilization.

\* \* \* \* \*

Regrettable as war is, especially in the present case—for whatever other issues it may have, war must hasten the crumbling of the Turkish Empire, and at least temporarily cripple Russia—it would be impossible to trust to the paper reforms of Turkish experimentalists to regulate the affairs of the Christians in Turkey as humanity and civilization demand that they should be regulated, and Russia, in reluctantly fulfilling her pledge to extend the protection of her sword over these oppressed peoples, I believe to be entirely free from ambition to extend her own territory, nor will this belief be weakened even should the results of the struggle seem to contradict it.

The chances for peace are, as already stated, very remote; but for the sake of a country which has always been so friendly toward and so appreciative of our nation, I earnestly hope that the developments of the next few days may give a different direction to the march of events.

I have, &c.,

HOFFMAN ATKINSON.

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No. 268.

*Mr. Atkinson to Mr. Evarts.*

No. 161.]

LEGATION OF THE UNITED STATES,  
*St. Petersburg, April 23, 1877. (Received May 9.)*

SIR: The Emperor left the capital on the 20th instant for Kischineff, the headquarters of the army of the South. His return-route is arranged to embrace a visit to Moscow, and it is believed that should he not formally make a war-proclamation to the army at Kischineff, the announcement will be made at Moscow. I am informed that it is already in print, but as yet strictly withheld from circulation.

\* \* \* \* \*

The Emperor has this morning reviewed three detachments of the army. To the officers at Bierzoula, comprising the thirty-first division

of infantry, the eleventh of cavalry, and the division-artillery, he said at 5.30 a. m. to-day :

Before your departure to the war I wish to speak to you. If you should have to fight the enemy, be brave and maintain the reputation of your corps. Among you are untried young soldiers never under fire, but I expect these to rival the more experienced on the field. I hope that you may return soon and with glory. Good-by, gentlemen.

Then, addressing the enlisted men, he said: "Good-by, boys!" (Rebatya!)

The address was received with great enthusiasm and cheering.

The army is reported as in fighting trim and brimfull of enthusiasm.

The Emperor will stop over night at Terespol, where another review will take place to-morrow, and still another review will be held at Un-geni later in the day. His Majesty returns to Kischineff to-morrow at midnight.

Among his escort are the ministers of war, of ways and communications, and of the court, the chief of the gendarmery, several princes of the blood, and General Ignatieff.

The Turkish embassy here has to-day packed up its effects and only awaits a telegram to leave Russia.

I have, &c.,

HOFFMAN ATKINSON.

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No. 269.

*Mr. Atkinson to Mr. Evarts.*

No. 162.]

LEGATION OF THE UNITED STATES,  
St. Petersburg, April 24, 1877. (Received May 14.)

SIR: Referring to my dispatch No. 161, of yesterday, I now have the honor to inclose to you two printed copies of the text of the proclamation of war on the part of Russia against Turkey, and a translation of the same.

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I have, &c.,

HOFFMAN ATKINSON.

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[Inclosure.—Translation.]

[From the Journal de St. Petersburg, 12th (24th) April, 1877.]

PROCLAMATION OF HIS MAJESTY THE EMPEROR.

ST. PETERSBURG, 11th (23d) April.

By the grace of God, we, Alexander II, Emperor and Autocrat of all the Russias, &c., &c.

Be it known:

Our faithful and dear subjects know the lively interest which we have constantly devoted to the destinies of the Christian population oppressed by Turkey. Our desire to ameliorate and protect their lot has been shared by the entire Russian nation, which manifests itself to-day ready to bear new sacrifices to alleviate the position of the Christians in the Balkan peninsula. The blood and the welfare of our faithful subjects have ever been dear to us. Our whole reign proves our constant solicitude to preserve to Russia the benefits of peace. This solicitude did not cease to animate us at the time of the sad events which occurred in Herzegovina, in Bosnia, and in Bulgaria. Above all, we aimed to arrive at the amelioration of the existence of the Christians in the Orient by means of peaceful negotiations and of a concert with the great European powers, our allies and our friends.

We have made for two years incessant efforts to influence the Porte to reforms which

should shield the Christians of Bosnia, of Herzegovina, and of Bulgaria from the arbitrariness of the local authorities. The accomplishment of these reforms proceeded in an absolute manner from anterior engagement, solemnly contracted by the Porte toward all Europe. Our efforts, aided by diplomatic urgency which the other governments made in common (with us) have nevertheless not gained the end desired. The Porte has remained unmoved in her categorical refusal of any effective guarantee for the security of her Christian subjects, and she has rejected the conclusions of the conference of Constantinople. Wishing to try all possible means of conciliation toward persuading the Porte, we proposed to the other cabinets to draw up a special protocol embracing the most essential conditions of the Constantinople conference, and to invite the Turkish Government to associate itself in this international act, which sets forth the extreme limits of our pacific demands. But our expectation was not realized. The Porte has not deferred to this unanimous wish of Christian Europe, and has not accepted for herself the conclusions of the protocol.

Having exhausted our peaceful efforts, we are compelled by the haughty obstinacy of the Porte to proceed to more decisive actions. The sentiment of equity and our own dignity demand it. By her refusal Turkey puts us to the necessity of having recourse to the force of arms. Profoundly convinced of the justice of our cause, and intrusting ourself with humility to the grace and assistance of the Most High, we proclaim to our faithful subjects that the moment foreseen by us when we pronounced the words to which all Russia responded with such unanimity is now arrived. We expressed the intention to act independently when we should judge it necessary and that the honor of Russia required it. To-day, in asking the blessing of God upon our brave troops, we give them the order to cross the frontier of Turkey.

Given at Kischineff the 12th (24th) day of the month of April, in the year of grace 1877, and of our reign the twenty-third.

ALEXANDER.

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No. 270.

*Mr. Atkinson to Mr. Evarts.*

No. 179.]

LEGATION OF THE UNITED STATES,  
*St. Petersburg, May 25, 1877. (Received June 11.)*

SIR: The report of the Russian telegraph department for the year 1875 has been published, and presents the following points of interest:

The extent of lines January 1, 1875, was 57,718 $\frac{3}{4}$  versts (38,480 miles), with 111,813 $\frac{1}{4}$  versts (74,542 miles) of wire. Of telegraph stations there were 701. During 1875 the lines were increased by 3,568 $\frac{1}{4}$  versts (2,379 miles), and the wires by 6,486 $\frac{1}{4}$  versts (4,324 miles), while new stations to the number of 66 were opened. The telegraphs worked by the railway companies had at the beginning of 1875 an extent of 14,982 versts (9,988 miles), with 33,064 $\frac{3}{4}$  versts (22,043 miles) of wire, and 901 stations. These figures were increased during 1875 by 1,215 $\frac{3}{4}$  versts (810 miles) of line, 2,431 $\frac{1}{2}$  versts (1,621 miles) of wire, and 95 new stations. The Anglo Indian line was very slightly increased in wire, the line remaining unaltered at 3,407 versts (2,271 miles), with 53 stations. Lines worked by private means were insignificant, amounting in all at the end of the year to 360 $\frac{1}{2}$  versts (240 miles).

The entire service, embracing the governmental, the railway, the Anglo-Indian, and the private lines shows January 1, 1876, a total of 81,252 versts (54,168 miles) of line, 161,446 versts (107,631 miles) of wire, and 1,859 stations. The messages transmitted within the empire amounted in 1875 to 3,478,135, or an increase of 10 per cent. International messages amounted to 4,179,316, or an increase of 9 per cent. Telegrams exchanged with France increased to the extent of 13,431 messages, but with Germany the number decreased by 3,402, and with Great Britain by 4,107. Messages exchanged with America amounted to 1,016, against 819 for the preceding year. The gross receipts of the department of telegraphs were 4,927,140 roubles, an increase of 2.20 per



cent. over those of 1874. Expenses amounted to 4,094,670 roubles against 3,791,960 in 1874, the net receipts being in 1875, 832,470 roubles; and in 1874, 1,030,701 roubles. The average cost of messages was 1.15 roubles, creating an average profit to the government of  $\frac{22}{100}$  roubles. In 1875, 503,997 roubles were expended upon new lines, against 386,816 roubles in 1874. At the close of 1875, 6,791 persons were employed in the telegraph administration, a gain of 398 during the year. Of female employés there were 566. The service is under good discipline, and operators are so educated that at the principal stations messages are received and sent in Russian, German, French, or English.

I have, &c.,

HOFFMAN ATKINSON.

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No. 271.

*Mr. Atkinson to Mr. Evarts.*

No. 180.]

LEGATION OF THE UNITED STATES,  
*St. Petersburg, May 25, 1877. (Received June 11.)*

SIR: I have the honor to inclose herewith two copies of an article from the *Journal de St. Petersburg*, with translation, giving some interesting details of a railway ambulance train which left *St. Petersburg* last Sunday for the army of the south.

It seems to embrace no feature of distinct novelty in its system, but is faultless in its provision for the needs of those who may have cause to use it. The reference in the article to the work going on with such devotion, for the care and comfort of the soldiers who may be wounded or ill, is not exaggerated, for the glorious deeds of our country, during the war which called the sanitary commission and the Christian commission into existence are being duplicated to-day in Russia, and the fact that noble ladies are picking lint and sewing coarse garments for suffering soldiers, proves that Russia's best feelings are interested in the war and in the fate of her people. The Empress is pre-eminently at the head of this movement, and both as a sovereign and as a tender-hearted woman, her example places before the people that there are other duties in war than the mere destruction of forces.

I have, &c.,

HOFFMAN ATKINSON.

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[Inclosure.—Translation.]

[From the *Journal de St. Petersburg* 10th (22d) May, 1877.]

Sunday afternoon, a train destined for the sanitary service of the army of the south, "the First Sanitary Train of the Empress," left *St. Petersburg* for *Kischineff*, by the *Nicholas Railway*. The departure attracted a large crowd, not only in the station where permission was necessary, but in all the streets leading from the *Winter Palace* to the *Moscow Station*. It was known that Their Imperial Majesties would visit the train, before its departure, and people waited to cheer them on the way. The Emperor and Empress were there at the time named. The ceremony began by prayers for those leaving and for the enterprise, chanted by the clergy in one of the halls of the station; then Their Majesties, accompanied by several members of the imperial family and by high persons of the court, went to visit the railway carriages. The visit was long and scrutinizing. The august visitors wished to examine everything themselves, and showed themselves much satisfied. The fact is that the arrangements of this train offer every comfort of which the service for which it is designed is capable. The car

riages are arranged in the American fashion, with a middle aisle which allows free passage from one end of the train to the other. On the two sides are raised a double row of beds, suspended one above the other, and held by springs strong enough to keep them in place, and flexible enough to break all shocks. These beds are arranged simply with springs, and form real litters on which two men can carry an ill man without in the least disturbing him. As the passage-ways of the two ends are a little narrow, they have managed to put on one side of each carriage a double sliding door, allowing these movable beds to be carried in and out, without trouble and without jar. Each bed comprises a mattress placed upon an elastic support, two pillows, a sheet, and a cover of gray wool for the soldiers, and for the officers a counterpane quilted. Should the invalid wish to have his head raised, a mechanism allows the head of the bed to be lifted. If he wishes to use his hands, a movable *planchette* table which fits against the side of the carriage serves to hold the dishes brought to him. Each carriage contains sixteen of these beds separated by day partitions. There is in each carriage a service for tea, a *samovar* (water-boiling urn), cups, &c., and, opposite, necessaries for the toilette. The train also carries its pharmacy, a train-kitchen well found, a store-room for provisions, and two baggage-cars, containing lint, linen, clothing for the wounded; in short, the results of all the work accomplished by so much zeal and sacrifice by the most distinguished ladies for the service of the "Red Cross."

The officers' carriages are arranged like those of the soldiers. There is hardly a difference but in the quality of the linen, in the presence of some tables and sideboards, where may be placed books to while away the tedium of convalescence.

One carriage is devoted to the office, for the Sisters of Charity, and for the nurses. In this the beds are replaced by seats, but mattress seats, which convert into beds during the night. The physicians, who have also an especial carriage, are surrounded by sufficient comfort to remove all care beyond that of their patients.

It is only after a comparative study of all that was done for the sick and wounded soldiers in France and in Germany that these arrangements, so simple and commodious, were arrived at, where everything is provided for, where neither exertion nor space is wasted, where all is organized to mollify, as much as possible, the sufferings which war entails.

It is useless to remark that Their Majesties were greeted on their arrival and on their departure by the most enthusiastic acclamations.

This convoy of last Sunday is the first of its kind sent. It will be followed by a great number of others. Public charity, so nobly stimulated by the example given in the palace, far from decreasing, seems to increase daily, and the zeal shown in this respect by all classes of the people proves that this war against Turkey is a war truly national.

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No. 272.

*Mr. Boker to Mr. Evarts.*

No. 202.]

LEGATION OF THE UNITED STATES,  
*St. Petersburg, July 18, 1877. (Received August 6.)*

SIR: I have the honor to say that yesterday the citizens of St. Petersburg were unexpectedly excited with the news that a strong force of Russian cavalry had crossed the Balkans almost without opposition, and had securely posted itself at Kesanlyk, thus commanding one or the principal passes of those mountains. This movement in its results, it is assumed, will afford an easy passage to the whole Russian army; and thus the line which was supposed to be the best natural defense of the city of Constantinople itself has been lost to the inactive Turks. There was sharp fighting at the carrying of the Turkish fortress of Nikopolis by storm, which resulted in the capture of two pachas and six thousand men, and at a smaller victory obtained by the Russians at Bela, with somewhat severe losses on both sides, but neither of these engagements attained to the dignity of a battle. The importance of the successful crossing of the Balkans, in its strategical results, can hardly be overestimated, since it will place the whole of European Turkey, almost up to the gates of the capital, at the mercy of the invaders.

It is impossible to account for the sluggishness and the bad generalship which the Turks have everywhere displayed in the defense of their European possessions. Point after point of strategical value has been yielded almost without a struggle; everywhere they have been outmaneuvered by their enemy; and we now see the Russians descending in concentrated force upon the last stronghold of Turkey without their ever having been obliged to fight a single grand battle in order to gain their present immense advantage.

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In Asia Minor, on the other hand, the Turks have conducted the campaign with singular skill and sound military judgment. At the outset the Russian force which marched from the Caucasus into Armenia was insufficient for the objects which it had in view. The Russians committed, too, the grave mistake of underrating the enemy which they were about to encounter. This error led them into a hazardous division of their army into three columns, which marched beyond supporting distance of one another, each one seemingly bent on a different purpose. The Turkish general, Mouktar Pasha, who seems to be the only capable soldier the war has yet produced on the Turkish side, acting as he was on a short interior line, quickly saw the advantage of his position, and, rapidly concentrating his army, he fell upon the three Russian columns in detail, forcing them to retire before him, one after the other, although he seems nowhere to have gained a great victory or to have inflicted a very serious loss upon the veteran troops of the army of the Caucasus.

To the Russians, the result of the campaign in Asia Minor has been a failure. No one object of the expedition has been permanently accomplished, and the whole work must be re-begun, with stronger forces and on other plans, to insure ultimate success. The occupation of Batoum alone is considered to be of vital importance to Russian interests in the Black Sea; and if that city were once within the grasp of the imperial troops, no conditions of peace would ever release it.

With the tenacity of purpose which characterizes the Russians, two additional divisions of the army, numbering, upon paper, about eighty thousand men, have been sent to re-enforce the army of the Caucasus.

I have, &c.,

GEORGE H. BOKER.

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### CORRESPONDENCE BETWEEN THE DEPARTMENT OF STATE AND THE RUSSIAN LEGATION.

No. 273.

*Mr. Shishkin to Mr. Evarts.*

[Translation.]

LEGATION OF RUSSIA,  
*Washington, May 19, 1877. (Received May 19.)*

SIR: The Imperial Government instructs me to notify the Government of the United States of the state of war existing between it and Turkey, which you have doubtless learned, together with the unfortunate circumstances which have caused it, from the newspapers.

My absence from the capital, during which the orders of my govern-

ment reached me, has prevented me from furnishing this information a moment sooner.

In now performing this duty, I avail myself at the same time of this occasion to renew to you, Mr. Secretary of State, the assurance of my very high consideration.

N. SHISHKIN.

No. 274.

*Mr. Evarts to Mr. Shishkin.*

DEPARTMENT OF STATE,  
*Washington, May 19, 1877.*

SIR: I have the honor to acknowledge the receipt of your note of this date, formally notifying the Government of the United States of the state of war existing between your Imperial Government and that of Turkey.

Remote as it is from the scene of conflict, the Government of the United States can in no event be more than indirectly affected. It becomes a duty, however, to faithfully observe all its obligations as a neutral power. It is hardly necessary to add, that while carefully adhering in all respects to these obligations, the President is confident that the rights of the United States and its citizens will be, with equal care, respected by Russia.

Accept, sir, a renewed assurance of my high consideration.

WM. M. EVARTS.

No. 275.

*Mr. Shishkin to Mr. Evarts.*

[Translation.]

LEGATION OF RUSSIA,  
*Washington, June 11, 1877. (Received June 11.)*

SIR: I hasten to transmit to you, herewith, a copy of a circular which has just been sent me by his highness the chancellor of the empire.

Although the Government of the United States was not among the signers of the declaration of Paris of 1856, I should nevertheless be particularly obliged to you, Mr. Secretary of State, if you would be pleased to inform me in what manner the Federal Government views the facts mentioned in the circular of the imperial cabinet.

I avail myself, at the same time, of this occasion to renew to you Mr. Secretary of State, the assurance of my very high consideration.

N. SHISHKIN.

[Inclosure.—Translation]

*Copy of a circular of his highness the chancellor of the empire, dated St. Petersburg, May 14 (26), 1877.*

You are aware that our ports in the Black Sea have been declared by the Porte to be in a state of blockade. Nevertheless, notwithstanding this declaration, the Ottoman military flag has thus far shown itself on the coast of the Caucasus only, and the

shores of the Black Sea are blockaded by no effective hostile force. Our local authorities inform us that commercial activity still continues in our ports, that merchant vessels enter them without molestation, and leave in the same manner, and finally that the coasting trade is still carried on between them.

In bringing the foregoing to the notice of the government to which you are accredited, you will be pleased to inquire whether it does not consider the above-mentioned state of things as contrary to the declaration of Paris of 1856, according to which paper blockades are abolished, and any blockade in order to be valid must be effective.

As it is the commerce of neutrals that is mainly interested in the maintenance of this principle, the imperial cabinet thinks it not improper to inform the friendly and allied powers of so abnormal a situation.

I deem it my duty to refer to another fact of no less importance. According to reports received from headquarters, the Turks throw torpedoes into the Danube without any system, which may endanger navigation in that river for a long time, whereas ours are sunk according to a definite plan, and so that they can be removed without difficulty.

We trust that it will be sufficient to call this difference to the attention of the government to which you are accredited, in order to induce it to make serious representations to the Porte on this subject. We also trust that this statement will be considered as a sufficient disclaimer on our part of any responsibility for the possible consequences of the act referred to.

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No. 276.

*Mr. Evarts to Mr. Shishkin.*

DEPARTMENT OF STATE,  
*Washington, June 12, 1877.*

SIR: I have had the honor to receive your note of yesterday; it is accompanied by a copy of a circular addressed to you by the chancellor of the empire, relative to the supposed blockade by Turkey of the ports of the Black Sea by proclamation only, and the indiscriminate placing by order of that power of torpedoes in the bed of the Danube. Although it is true that the United States did not sign and has not since acceded to the declaration of Paris of 1856, our reserve in this respect was and has not been occasioned by any doubt as to the soundness of the rule in regard to blockades which that instrument embodies. That rule has always been regarded by this government as the wisest, especially in the interests of neutrals, and as founded upon texts of public law generally received. It is probable, however, that as the flag of the United States, even in times of peace, is seldom seen in the Black Sea, there probably will be little or no occasion for the practical assertion of the rule by us at this juncture. The employment of torpedoes is so recent a belligerent device, that it is believed the powers as yet have had no opportunity to consider the general regulations, if any, to which they should be subjected. For this reason, I now forbear to express any opinion upon the proceeding to which you advert.

Accept, sir, a renewed assurance of my very high consideration.

WM. M. EVARTS.

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No. 277.

*Mr. Shishkin to Mr. Evarts.*

[Translation.]

LEGATION OF RUSSIA,  
*Washington, June 23, 1877. (Received June 23.)*

SIR: In view of the state of war now existing between Russia and Turkey, His Majesty the Emperor, my august master, has deigned to

order the military and civil functionaries to obey certain regulations having reference to the hostile power and its subjects, and to neutral states and their subjects.

Thinking that the publication of this document might be of great utility to those of the citizens of the United States who reside there, and whom these regulations may concern, I have the honor, Mr. Secretary of State, herewith to transmit to you a printed copy of said regulations, begging you to be pleased to make such use of it as may seem to you most conformable to the spirit and to the intentions which dictated them.

Accept, Mr. Secretary of State, the assurance of my very high consideration.

N. SHISHKIN.

[Inclosure.—Translation.]

ST. PETERSBURG, *May 13.*

The Bulletin of the Laws publishes in its No. 41 the following imperial ukase, dated May 12:

In view of the state of war which exists between Russia and Turkey, His Majesty the Emperor orders all the authorities and all military and civil functionaries whom it may concern, to conform, during the present war, to the following regulations in respect to Turkey and her subjects, and to neutral states and their subjects.

I. Subjects of the Porte residing in Russia are authorized to continue during the war their residence and the exercise of peaceful occupations in Russia, under the protection of the Russian laws.

II. With regard to Turkish merchant-vessels, which were in Russian ports and harbors at the time of the declaration of war, the order is hereby confirmed in virtue of which they are at liberty to leave such ports and put to sea during the time required to enable them to load with merchandise not contraband of war.

III. The subjects of neutral states may continue their commercial relations with Russian ports and cities, provided they observe the laws of the empire and the principles of international law.

IV. The military authorities shall take the necessary measures to secure the freedom of lawful neutral commerce, so far as this is allowed by the conditions of military operations.

V. According to the terms of the Paris declaration of April 16, 1856, privateering is considered as abolished, and the delivery of letters of marque is interdicted.

According to the same declaration, the following rules are to be observed with regard to the commerce of neutrals:

1st. A neutral flag protects the merchandise of an enemy, with the exception of contraband of war.

2d. Merchandise belonging to a neutral, with the exception of contraband, is not liable to seizure under the flag of an enemy.

3d. Blockades, in order to be valid, must be effective; that is to say, maintained by a force sufficient really to prevent access to the shores of the enemy.

These provisions of the Paris declaration apply to all powers, not excepting the United States of North America and Spain, which have not as yet adhered to this declaration.

VI. The following articles are considered contraband of war: Portable arms and artillery, whether mounted or in detached pieces; ammunition for fire-arms, such as projectiles, fuses for howitzers, balls, percussion-caps, cartridge-boxes, tubes for cartridges, powder, saltpeter, sulphur; explosive materials, such as mines, torpedoes, dynamite, pyroxyline, and similar substances; materials for artillery and engineering, such as gun-carriages, army-wagons, cartridge-chests, field-forges, canteens, pontons, &c; articles of military equipment and clothing, such as cartridge-boxes, sacks, cuirasses, sapping-tools, drums, saddles and harness, tents, &c., and in general all articles for land or naval forces. Such articles, when found on board of neutral vessels bound to a port of the enemy may be seized and confiscated excepting such quantity as may be required by the vessel on board of which the seizure is effected.

VII. The following acts, which neutrals are prohibited from committing, are assimilated to contraband of war: The transportation of hostile troops, dispatches and correspondence of the enemy, the furnishing of vessels of war to the enemy. Neutral vessels taken in the act of carrying such contraband may be seized, and even confiscated according to circumstances.

VIII. During the continuance of military operations on the Danube and on the shores

of that river, it shall be the duty of the commander-in-chief of the active Russian forces to take all measures in his power to the end that the navigation and the lawful commerce of neutrals on that river may be as free as possible, and may be subjected only to such temporary restrictions as are rendered necessary by the exigencies of war; which restrictions are to be removed as speedily as possible.

IX. The military authorities, moreover, shall furnish their special protection to the buildings, the labors, and the *personnel* of the European Danube commission, these being covered by the special neutral flag of that commission.

According to the Geneva convention of August  $\frac{22}{22}$ , 1864, relative to wounded or sick soldiers the commanders of the belligerent armies are bound to respect those stipulations of that convention which provide for the inviolability of hospitals and ambulances belonging to the enemy, and of the persons employed in his medical service, on condition of reciprocity on the part of the enemy. Remark: When the Turkish Government shall, with the previous consent of Russia, have adopted, instead of the flag of Geneva, with the red cross, a particular distinctive sign for its hospitals and ambulances, the commanders of the belligerent armies will take all necessary measures to secure the inviolability of the establishments and persons placed under the protection of this distinctive sign, according to the Geneva convention, if the stipulations of that convention shall be observed by the Ottoman authorities.

XI. According to the St. Petersburg declaration of November 29 (December 11), the use of projectiles weighing less than 400 grams, of an explosive nature, or charged with fulminating or inflammable material, is absolutely interdicted.

XII. In order to lessen the calamities of war, and to reconcile, as far as possible, and under the limitation of reciprocity the exigencies of war with those of humanity, the military authorities shall conform in their acts to the spirit of the principles laid down by the conference held at Brussels in 1874, so far as they are applicable to Turkey and in harmony with the special objects of the present war.

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No. 278.

*Mr. Shishkin to Mr. Everts.*

[Translation.]

LEGATION OF RUSSIA,  
*Washington, June 26, 1877. (Received June 26.)*

SIR: His Majesty the Emperor, my august sovereign, deigned to order on the <sup>29th April,</sup> <sub>11th May,</sub> last, that any vessel sailing under a neutral flag should have the right, during the entire duration of the present war with Turkey, to engage in the coasting trade between the Russian ports of the Black Sea and the Sea of Azov.

In bringing this decision to the knowledge of the Federal Government, I avail myself of this occasion to beg you, Mr. Secretary of State, to accept the assurance of my very high consideration.

N. SHISHKIN.

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No. 279.

*Mr. Seward to Mr. Shishkin.*

DEPARTMENT OF STATE,  
*Washington, June 29, 1877.*

SIR: I have the honor to acknowledge with thanks the receipt of your note of the 23d instant, transmitting a copy of the regulations to be observed by the military and civil functionaries of your government during the present war in regard to the subjects of Turkey and to those of the neutral states.

Accept, sir, a renewed assurance of my very high consideration.

F. W. SEWARD,  
*Acting Secretary.*

No. 280.

*Mr. Seward to Mr. Shishkin.*DEPARTMENT OF STATE,  
*Washington, June 29, 1877.*

SIR: I have the honor to acknowledge the receipt of your note of the 26th instant, in which you inform this Department that your government has ordered that any vessel sailing under a neutral flag shall have the right, during the present war with Turkey, to engage in the coasting trade between its ports on the Black Sea and the Sea of Azov.

Accept, sir, a renewed assurance of my very high consideration.

F. W. SEWARD,  
*Acting Secretary.*

No. 281.

*Mr. Shishkin to Mr. Evarts.*

[Translation.]

WASHINGTON, August  $\frac{8}{20}$ , 1877. (Received August 20, 1877.)

LEGATION OF RUSSIA,

MR. SECRETARY OF STATE: I have the honor herewith to transmit to you a printed copy of the new regulations concerning the entrance and departure of vessels from some of our ports. These have been rendered necessary by the exigencies of the defense of our coasts during the present war.

I beg you, Mr. Secretary of State, to take such measures as you may think proper for the purpose of bringing the contents of this document to the knowledge of all whom it may concern, and I avail myself of this occasion to renew to you the assurances, &c., &c.

SHISHKIN.

[Inclosure.—Translation.]

## NOTICE.

War having been declared the 12th of April, the arrival and sailing of vessels from the port of Olessa, from the Liman (estuary) of the Dnieper and the Bong, in the Strait of Kertch and in the Bay of Sebastopol, is permitted only upon the following conditions, which, although not foreseen by maritime international law, may occur at present when the ports are protected by torpedo blockades, the passage of which should remain secret.

1st. Every vessel upon arrival should stop outside the line of the torpedo blockade, where Russian officers with their retinue will meet it, and taking command of the said vessel will enter the port after being convinced of the regularity of the ship's papers.

2d. The captain of the said vessel will engage in writing, as well for himself as for his vessel and passengers, that while crossing the barricades no person will remain on deck nor seek to see, by the port-holes and scuttles, the route followed by the vessel.

3d. The same course shall be absolutely observed at the sailing of the vessels of commerce from port; that is, that the command of the said vessel shall be assumed by a Russian officer with his retinue, conformably to articles 1 and 2.

In case of the appearance of a cruiser of war in the places where it is possible to observe the entrance and exit of vessels, the Russian authorities will exact their withdrawal to a certain distance, sufficiently long to effect the entrance or sailing of the vessel. Until the accomplishment of this formality no vessel can enter or leave. But at the same time the captains will be warned that it is possible that the hostile cruisers of war may not be willing to consent to this proposition, and may immediately begin hostilities; in such case the vessels lying in the port and deprived thus of the possibility of sailing, inevitably expose themselves to all the danger of the enemy's fire.



## SIAM.

No. 282.

*The Siamese Minister of Foreign Affairs to Mr. Fish.*

[Translation.]

BANGKOK, *May 30, 1876.* (Received July 28.)

Chow Phya Bhanu Wongse, Maha Kosa Dhepoti, the Phraklang, minister for foreign affairs, has the honor to address to the honorable Hamilton Fish, Secretary of State, United States, Washington:

SIR: His Majesty the King of Siam has commanded me to address you as follows:

On the 23d April last, Commander Matthews, in the United States war steamer Ashuelot, came to Siam on a visit to the United States consul, and had audience of His Majesty the King of Siam, after which His Majesty took counsel with the senabodi, on the subject of the collection prepared by the Government of Siam for the Exhibition at Philadelphia, which, to the regret of the Siamese Government, still remained on hand, not having been forwarded at the appointed time, owing to causes which have been explained in my dispatch of the 28th January, 1876. His Majesty the King of Siam commanded me to ask Commander Matthews to take charge of the collection, and convey it in the Ashuelot to Rear-Admiral Reynolds on the Japan station, to be forwarded to the Government of the United States. Commander Matthews left Siam, and communicated with Rear-Admiral Reynolds, and on the 26th of May returned to Siam in the United States steamer Ashuelot, and informed me that Rear-Admiral Reynolds had instructed him to fetch the collection intended for the Exhibition.

His Majesty the King and the senabodi of Siam have been most pleased to intrust to Commander Matthews the collection which His Majesty the King and senabodi have prepared for presentation, with their best wishes, to the Government of the United States. When the exhibition is ended, please exhibit it at the Museum as a souvenir from the Kingdom of Siam. It is not a collection of articles of peculiar excellence, but of articles generally used in this country, and of samples of articles of trade of Siamese origin; a collection which the Siamese Government had much pleasure in preparing as a contribution to the Exhibition as a token of their esteem and respect for the Government of the United States.

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The collection which has been forwarded was arranged by Mr. J. H. Chandler, who understands it, and can fully explain every object in it. Mr. Chandler left Siam for Washington on May 19.

His Majesty the King of Siam and the senabodi pray that the Power which is highest in the universe may assist, foster, and protect the city of Washington and the United States of America, and may from the date of their centenary onward bless them with a prosperity still greater than that they have hitherto enjoyed. I beg to add the assurance of my high esteem.

Dated at the foreign office, at Bangkok, 30th of May, 1876.

CHOW PHYA BHANU WONGSE.

No. 283.

*Mr. Evarts to the Minister of Foreign Affairs of Siam.*DEPARTMENT OF STATE,  
*Washington, April 11, 1877.*

SIR: I have the honor to acknowledge the receipt of a communication from you, dated 30th May, 1876, conveying to me the information that the collection of Siamese articles which His Majesty the King and senabodi had collected for exhibition at the United States Centennial Exhibition were intended for presentation, with their best wishes, to the Government of the United States when the Exhibition ended.

The articles were received some time after the opening of the Exhibition, but they were placed in a prominent place, and arranged with judgment and discretion. They attracted very great attention, not only on account of their unusual appearance and workmanship, but, also, because of the intrinsic merit of the collection.

I avail myself of this occasion to offer to your excellency the assurance of my high consideration.

WM. M. EVARTS.

His Excellency CHOW PHYA BHANU WONGSE,  
*Maha Kosa Dhepoti, the Phraklang, &c., &c.*

No. 284.

*Mr. Evarts to the Minister of Foreign Affairs of Siam.*DEPARTMENT OF STATE,  
*Washington, November 2, 1877.*To His Excellency CHOW PHYA BHANU WONGSE,  
*Maha Kosa Dhepoti, the Phraklang, Minister  
for Foreign Affairs for the Government of Siam:*

The undersigned, Secretary of State of the United States, has the honor to address his excellency the minister of foreign affairs of Siam, in relation to the valuable collection of articles prepared by the Government of Siam for presentation to the Government of the United States. This collection having been intrusted by the King of Siam to a vessel of the United States Navy for conveyance to this country, it was on its arrival received by the Secretary of the Navy, who has been directed by the President to express, through the undersigned, to His Majesty the King of Siam the high appreciation which the Government of the United States entertains of the liberality and good feeling that prompted the presentation of this interesting and instructive collection, which will be to our government and people evidence of the progress Siam has made, and is making, in the arts of civilization.

In compliance with the direction of the President, the undersigned has the honor of transmitting the letter addressed to him by the Secretary of the Navy, which the President requests may be communicated to the King. From its perusal the King will be convinced of the care with which his generous gift will be cherished by the government in the highest of the scientific institutions of the United States.

The undersigned avails himself of this occasion to offer to his excellency a renewed assurance of his high consideration.

WM. M. EVARTS.

[Inclosure.]

*Mr. Thompson to Mr. Evarts.*NAVY DEPARTMENT,  
*Washington, October 25, 1877. (Received October 26.)*

SIR: The valuable collections of articles prepared by the Government of Siam, and presented by His Majesty the King to the Government of the United States, through Rear-Admiral Reynolds, of the United States Navy, for exhibition at Philadelphia, have been placed under the care of the Smithsonian Institution, properly catalogued and labeled. They remain in an excellent state of preservation, and will be kept, at all times subject to public inspection, as evidence of the generosity of the Siamese King and Government.

The Navy Department, in whose charge these articles were placed, in obedience to the instructions of the President, desires to express, through the Department of State, to the King and Government of Siam, the high appreciation in which the Government of the United States holds the liberality which has prompted this magnificent donation. While it will add greatly to the interest and value of its national cabinet, it will serve to show that the King and Government of Siam entertain the highest respect for the people and Government of the United States, and that in all our intercourse with the people and Government of Siam we may expect that just, courteous, and dignified treatment which characterizes the most advanced and progressive nations.

The President has directed me to request that you will communicate a copy of this letter to the King of Siam.

I have, &c.,

R. W. THOMPSON,  
*Secretary of the Navy.*

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## SPAIN.

No. 285.

*Mr. Adee to Mr. Fish.*

No. 386.]

LEGATION OF THE UNITED STATES,  
*Madrid, November 4, 1876. (Received November 20.)*

SIR: The eve of the reassembling of the *Córtes* seems to me to be a fitting time for a brief review of the recent and present political situation.

On the whole, the government, under the able pilotage of Mr. Cánovas del Castillo, appears to have steered its way skillfully among the hidden reefs and surface-breakers of the parliamentary vacation.

The opposition has not been idle during the summer rest, as you will have judged from several of my dispatches. Its attacks have been as much personal as political.

Strenuous endeavors have been made to rally a sufficient number of the ministerial representatives of the nation around this or that prominent man of the majority, or this or that prominent leader of the indeterminate fraction which fluctuates between the constitutionals, so called, and the party in power, with the object of either ousting Mr. Cánovas in favor of one of his own adherents, or of realizing a fusion of the border elements to form a parliamentary center, or right center, in imitation of that in France, to control the balance of party strength in the lower chamber. The efforts, however, in favor of Mr. Posada Herrera and Mr. Alonso Martinez do not seem to have been productive of much result, and Mr. Cánovas del Castillo meets the *Córtes* with his large personal prestige practically unimpaired, and with the conciliation cabinet and policy with which he took the reins of government still strong against assault.

The campaign against him from the political point of view has been earnest and bitter. A number of vulnerable points in his administration have been assailed, but without much success. My dispatches will have given you a fair conception of the state of the religious question, concerning which it is expected that the warfare will be renewed in the *Córtes* at no distant day. Besides this, the other main points of attack have been the return of the royal family to Spain, and the continued suspension of the constitutional guarantees, commonly called the "dictatorship." The first of these, which in less resolute hands might have been a source of peril, has passed without any very marked effect. The queen-mother did not enter the lists as an open champion of reaction, but remained quietly at Santander, and after a few weeks spent in the bracing air of the Guadarrama at the Escorial passed unostentatiously to Seville, where she is now for the winter, surrounded by her family. It was alleged that she was to make a semi-triumphant entry into the capital on the 29th of September, the anniversary of her dethronement, but she did not, her own good sense probably showing her the unwisdom of any such defiant attitude, especially when the very government of her son rests on a political conciliation which embraces as cabinet ministers two of the men most active in her overthrow. Her Majesty did indeed visit Madrid, but only for a few hours, coming and going without pomp of any kind, and in the midst of what looked very like the stolid indifference of the people of the metropolis.

The suspension of constitutional guarantees constitutes a graver charge for the government to meet. You will remember that at the time of the adoption of the present constitution the ministry of Mr. Cánovas was already acting under the so-called "extraordinary powers" with which its predecessor had been self invested during the presidency of General Serrano; that no special legislative steps were taken under the new constitution to confirm those extraordinary powers; and that, on the question being mooted in the *Córtes*, it was abruptly suppressed by an overwhelming vote of confidence in the government.

Under the Serrano decree and the vote of the chambers the government has continued to act. In point of fact, the constitutional guarantees are not, and have not been, suspended; they have never been put into operation, and await the resolution of the government and the *Córtes* in order to take effect.

These powers of the government have stood it in good stead in the breaking up of the Zorrilla-Salmeron conspiracy, and it must be admitted that the ministry has exhibited moderation in availing itself of its faculties to so slight an extent as it has done in this instance.

Notwithstanding that its attributes partake largely of the absolutism attending a "state of siege" (that is, proclaimed martial law), and that the civil and ordinary jurisdiction might not unpardonably have been set aside on the plea of imminent danger to the state, the government of Mr. Cánovas del Castillo waives its powerful prerogative and adheres to the *fuero comun* for the prosecution of the alleged conspirators, as explained in my No. 381. A notable illustration of this is announced to-day, in that General Búrgos, who was detained on his voluntary surrender, and released on his military parole, has just been arrested on the warrant of the civil judge who has cognizance of the proceedings.

Again, in respect to the periodical press, the government has shown moderation.

Since the press decree now in force took effect with the new year, there has not been a single instance of arbitrary suspension of a paper,

such as we are in the habit of associating with the idea of a continental dictatorship.

Complaint has been instituted in cases of alleged contravention of the law; public trial has been had before an honest special tribunal; and acquittals have been almost as frequent as convictions. In case of sentence, appeal, with public hearing, is had to the supreme tribunal. During all these proceedings the journal accused continues to be published, and even in event of the judgment of the press court being affirmed, the journal condemned to suspension takes its own time about commencing to suffer its penalty. It is true that there have been many convictions and suspensions, but it is hardly fair to throw the blame of this upon the government. The law may be harsh and restrictive, but it is known, and can be obeyed by any one who comprehends its precepts. And to the impartial observer it looks as though the opposition press aimed to come as near as possible to transgression of the law without incurring amenability to the penalties it imposes. In fact, I often think that the main object of the anti-ministerial journal of the day is to court "denunciation" by the fiscal on an article or paragraph of double meaning, trusting to obtain acquittal on trial or appeal through the ability of the advocate charged with its defense.

At any rate, whether the dictatorship of the government, in these and other matters, be onerous or not, it is announced that on the re-assembling of the *Córtes* the cabinet will resign its extraordinary powers into the hands of the co-legislative bodies.

In its financial aspect, the position of the government is not so good. Although the measures planned by Mr. Salaverría have been followed by his successor, Mr. García Barzanallana, and although the revenues of state are considerably in excess of previous years, and go beyond the estimated receipts, still the public expenses are heavy, the financial condition of the country is unhappy, the prospect of continuing to pay even the one per cent. of interest promised to foreign bondholders is not so good as they would like, and the public credit has sunk even lower, till the three per cents. are rated on the bourse at less than 12, a fall of some 7 per cent. of nominal value, or some 40 per cent. of actual price, within the past year. And yet, in coming before the *Córtes*, with an effected Cuban loan, a floating debt funded, and a gold and silver currency unified at last, the government does as well as could be hoped. There will be opposition, and bitter enough, too, on all these points of omission or of commission, but a natural defense, if not justification, is found in the inquiry: what government could do better?

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The news from Cuba is reassuring to the ministry, and cannot but have a good effect on the *Córtes*. A telegram received yesterday from General Jovellar, reports an encounter with an insurgent force, which suffered defeat with much loss, the chief Veguita being among the prisoners taken.

The district of Las Villas is reported clear of insurgents, and the arrival of General Martínez de Campos is anxiously awaited in order to begin active operations in the field along the lines of the two trochas. Over 21,000 men of the recent re-enforcement have thus far sailed from Spain.

In foreign affairs, three matters of interest are likely to come before the present legislature.

The extradition of Tweed, in the absence of a treaty, will doubtless attract attention. What contention there may be about it may possibly be allayed by the government's holding out the prospect of a formal and

beneficial treaty of extradition with the United States, as the result of this friendly concession on the part of Spain.

With France a somewhat similar question has arisen in regard to the surrender of Rosas Samaniego, a Carlist guerrilla chief, which is demanded of Spain, under treaty, on the ground that criminal charges of murder, arson, and robbery, are pending against him.

To this demand the French government hesitates to accede, in view of the general political character of the crimes laid at Samaniego's door, and in remembrance of the circumstance that its own communists, whose hands were deeper stained than those of the Carlists, even received quasi-protection in some foreign lands as political offenders.

It is said, also, that France will be invited to expel Mr. Ruiz Zorrilla from her territory. If this step is contemplated it will doubtless come before the chambers.

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As for the *work* to be done by the Córtes, there is prospect that they will not be idle.

The much-needed "organic laws," as they are called, that is, laws in interpretation or definition of the precepts of the constitution, are to be framed.

The finances are in some want of further legislation. The judicial system, after the reckless tinkering which it has undergone in the revolutionary era, would be none the worse for a few extra touches now to make it more uniform. And what is one of the most prominent, if not one of the most important features of a legislative session in Spain, the conflicting personal interests of the men, rather than the principles of the contending parties and fractions of parties, will not be a barren subject of debate.

I am, &c.,

A. AUGUSTUS ADEE.

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No. 286.

*Mr. Adee to Mr. Fish.*

No. 394.]

LEGATION OF THE UNITED STATES,  
*Madrid, November 8, 1876.* (Received November 27.)

SIR: One of the chief topics of conversation in Madrid for some weeks past has been the establishment of a mysterious institution of credit by a woman named Doña Baldomera Larra, in one of the lower wards of the city, where sums are received on deposit and interest paid thereon in advance at the rate of 20 per cent. a month or more. She opened her doors to depositors about eighteen months ago. Her business soon became noised about. From small beginnings money flowed in till as much as 80,000 hard dollars have passed to her coffers in a single day. The effect on the lower and more frugal classes is disastrous. Workmen cease to labor and place their little savings of years with Doña Baldomera, living recklessly on the advance interest received. In Toledo and other provinces, land and cattle are sold by small proprietors, the proceeds finding their way to "la señora." Other savings-banks have sprung up in Madrid and the provinces, paying as high as 35 per cent. a month, and distributing lottery-tickets and prizes to new subscribers as an inducement to attract deposits. Long *queues* of persons, men, women, and children, with sums large and small, besiege the doors

of these places, sometimes requiring the intervention of the police to preserve order.

Doña Baldomera has played her hand in this matter hitherto with singular shrewdness. One day announcement was made that she had paid out \$60,000 on a forged deposit-book. On another it was rumored that she had left Madrid. Each time there was a run for repayment. All demands were promptly met; in an hour the tide turned, confidence was restored, and those who had carried off their hoard in the morning were only too glad to bring it back by nightfall, so as not to lose a single day's precious interest.

Of course, the transparency of the fraud is apparent. The same thing has already occurred in Italy. The "bank" goes on well so long as the deposits increase in such ratio that the income of one month covers interest and capital of those preceding. But the limit of this rapidly increasing progression must soon be reached, and then, as in Italy, the "bank" must close its doors.

The matter is a public scandal in Madrid. The press calls upon the government to interfere. It replies that it cannot do so until an offense against the laws is perpetrated. Doña Baldomera has been required to take out a banking license at the maximum rate, and has done so under protest. A "delegate" has been named to inspect the establishment, and he reports that no banking business is transacted besides the regular payment of interest and reception of deposits, especially the latter. On occasion of his first visit there was a disturbance among those in waiting, but "la señora," with admirable tact, at once closed her doors to all except those who wanted to draw out money, and none came. The next day all went on as before.

The utmost publicity is given to the affair, and would-be depositors are warned of the unsafe character of their investments. They are told that the last must pay for all. This does not deter but rather incites them. Each fondly gives himself the credit of possessing shrewdness enough to withdraw in time, and thus get rich at the expense of those who came later in the game. It is, in this aspect, more exciting than the lottery or the green cloth.

The end, however, can not be far off. The director of one of the minor 35 per cent. places has already closed his establishment and disappeared. The question in every mouth is, when will Doña Baldomera abscond, and can she be prevented?\*

I report this, partly as matter of general interest, and partly because a scheme of fraud like this is too ingenious and too sure of success not to find its way across the Atlantic to the Spanish American States, or, it may be, to our own.

I have, &c.,

A. AUGUSTUS ADEE.

No. 287.

*Mr. Adee to Mr. Fish.*

No. 406.]

LEGATION OF THE UNITED STATES,  
*Madrid, November 11, 1876. (Received November 27.)*

SIR: Much interest has been felt here for some time past in the political contest which has been going on in the United States, and the result has been eagerly, almost anxiously, awaited. The first telegrams

\* Doña Baldomera disappeared from Madrid some weeks subsequent to the date of this dispatch. Her gains were said to have reached \$700,000. This is probably largely overestimated.

received here, as elsewhere, too, indicated the election of Mr. Tilden by a majority of some thirty or forty votes in the electoral college. This announcement was a surprise to the Spanish Government and to the press of Madrid.

The first impression noticeable among those with whom I conversed was one of doubt, approaching to distrust, as to the influence of a change of administration on the future course of relations between the United States and Spain. Traces of this feeling are shown in the prominent article published in the *Imparcial* the next morning, the 9th, and the spirit of which was echoed with more or less force by several other journals of the opposition.

I hastened to reassure those who spoke to me on the subject by remarking that all the old issues, either for or against slavery, had been swallowed up in the late civil struggle in our midst and in the events since that time; that a large portion of our political community was still laboring under the consequences of that struggle, to the result of keeping alive more or less of sectional influence; that the first aim of the Democratic party would necessarily be to establish domestic homogeneity, without which good government would be hampered, as it had been so often in the past by conflict of the interests coalesced for the electoral contest but not yet intimately joined; that this process would need time for its accomplishment, and, when accomplished, would go far toward extinguishing the adventurous spirit and sectional aspirations which had distinguished the States of the South at the time when their power and prosperity were based on the institution of human bondage, and that in my judgment such a prudent policy of conciliation and union at home would involve a collateral policy of friendship and good-will abroad; for the development of any centrifugal tendencies, which would be harmful in our outward relations, could not fail to be equally or more harmful to the body-politic within.

I was much relieved to see by the *Política* of that evening (the 9th) that the ministerial press was taking a confident and not unfriendly ground. Both the *Política* and the *Época* of yesterday evening, evidently by inspiration in high quarters, strengthened and amplified the position thus assumed. And at the weekly reception, held last night in the *salons* of the presidency, the same views were freely and generally expressed, although with more of hypothesis than before, the later intelligence received being such as to involve the result in complete doubt and uncertainty.

The closeness of the contest has aroused even more interest in its termination than was shown at first. I heard it frequently said last night, by foreigners as well as by Spaniards, that the even balance of party strength, with the probable concomitant of the Senate and House on opposite sides, would prevent any very strongly *accentuated* policy being pursued at home or abroad by the incoming administration, whichever it may be.

I report these indications of the sentiment discernible about me here as matter of interest. In so far as their importance is concerned the *Época* and the *Política* may be relied upon as representing the general views of the King's government, and I therefore send you copy of their several editorials on the subject, together with translation of the more salient passages of the same. I also send copy and translation of the article published by the *Imparcial*.

In view of the later news received, the press of to-day is discreetly silent as to the relations of the two countries.

I have, &c.,

A. AUGUSTUS ADEE.



[Inclosure B in No. 406.—Translation.]

[Leading editorial on the Presidential election, from El Imparcial, Madrid, November 9, 1876.]

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The Democratic party of the United States does not specify so positively as the Republican, among the principles of its creed, that of non-intervention in the affairs of other nations. It is easy therefore to understand the alarm which, according to the telegraph, has been caused in England by the victory of Tilden over Hayes. More justified would be not merely alarm but distrust among us.

On changing the directive power in the United States the central policy changes. Before, it found its inspiration in the opinions and interests of the Northern States, and now it is about to find them in the opinions and interests of those of the South. Between these and our provinces beyond the seas, between these and the Antilles, there are indubitable and constant relations, and there exist great and profound analogies which demand all the attention of our statesmen.

A certain fact in the contemporaneous history of our country is explained by those relations and that influence, and the memory of that fact and the consideration of those circumstances are sufficient for us not to confide recklessly in the future which is presented to us by the solution of the American crisis, nor to cease to think very seriously on the consequences which may lead to problems related with interests of vital importance for the Spanish nation. In view of the victory of the Democratic party, we ought, therefore, at least to remain in a prudent attitude of expectancy and reserve.

[Inclosure D in No. 406.—Translation.]

[Leading editorial on the Presidential election, from La Política, Madrid, November 9, 1876.]

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Will the Democrats have learned anything in these sixteen years, during which a war of the costliest and bloodiest character has taken place, which has cost the United States more than a million of men, and more than thirty thousand millions of francs (\$6,000,000,000)? We think the experience has been too costly not to have been heeded; we think that a sufficient time of experience has passed to remove the fear of the restoration of anything which resembles slavery, or the reproduction of the former adventurous schemes; we think, lastly, that the spirit of the new government, and even of the Democratic party itself, must have been much modified in the sense of a pacific policy, and one in harmony with all the nations of both continents.

For our part, the relations with the United States, thanks to the skill and foresight wherewith they have been managed by our minister of state, are to-day on the best possible footing; not only is there no difficulty pending between us, but in proportion as the cause of the filibusters has fallen into discredit in the United States by reason of the very acts of their partisans and adepts, the cause of Spanish nationality has gained in importance and consideration; our soldiers have been most warmly received in Philadelphia; and the circumstance of having placed with our own resources, with our own vessels, and in a moment, 25,000 regular and thoroughly-equipped troops on the shores of Cuba in order to deal the final blow to the insurrection, has given great prominence to our name in America. \* \* \*

We do not understand, therefore, that there is any serious cause for alarm with respect to our interests in the election of Mr. Tilden to the office of President of the United States. Besides the changes which time, experience, and circumstances cannot but have wrought in the ideas and proceedings of the dominant party, and above all of its administration; beside the absence of all difficulty in the relations of the two governments, the United States are themselves at present in a situation which, rationally speaking, does not permit a hostile policy on their part; both the Houses of Washington are not partisans of Democracy; and the domestic difficulties which may arise in the definitive adjustment of the status of the Southern States of the Union would necessarily operate to turn aside the gaze of their government from other external affairs of less importance. One of our journals says that in view of the election of Mr. Tilden, we ought to observe toward America a conduct of expectancy and reserve. If by this is meant that we are not to meddle in the domestic affairs of that country, the advice is good, but needless; because with what right could we intervene therein, directly or indirectly, or with what object? We should, therefore, follow so long as our honor or our territory, be not attacked—and we believe they are not to be attacked—the same conduct of cordial intelligence and friendship which we have observed hitherto. Whether Mr. Tilden or another succeeds Mr. Grant, whether the Democratic party replaces the Republican in power, or whether the latter continues, is a question for the United States alone. We, prepared in time as we are, have nothing to show except the same good dispositions and the same friendly sentiments as hitherto.

[Inclosure F in No. 406.—Translation.]

[Leading editorial on the Presidential election, from La Época, Madrid, November 10, 1876.]

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The Republican party, during the sixteen years of its administration, has rendered great services to that country, but it has committed great faults. It has invigorated the action of power, but at the cost of infringing the autonomy of the States. Those of the South have suffered terrible vexations, of which they have now avenged themselves by their vote; but the fear of the Imparcial that should those States recover their preponderance, the relations with Spain may go back to their old state, does not seem likely to us. The Southern slave States had an interest before the war of secession in having a new slave State to add one star more to the flag of the United States; but the abolition of slavery being accomplished, that interest has disappeared, and domestic conflicts must now largely occupy the attention of the United States.

We do not forget that the new President is going to have the counterpoise of an assembly with a Republican majority; and the President above all must occupy himself in bettering the situation of the States of the South, and in blotting out from the administration the character which now weighs upon it.

The foreign policy will not suffer variation, in our judgment, and much less so when Spain gives evidence of vitality as real and positive as it is free from brag-gart boastfulness, and of such true importance for a practical nation like the North American republic. It has witnessed the arrival in Cuba, in Spanish ships, and within a very few days, of twenty-four battalions; it is not ignorant that a heavy loan furnishes the means of sustaining them, and that those means will be supplied during the necessary time. Twenty millions in gold transported in our vessels gives ostensible proof of the solicitude with which the nation devotes itself to the preservation of its province beyond the seas; and the name of Martinez Campos, general-in-chief of the troops, appears in the United States with the aureole wherewith his victories and his great services surround it. All these things will exert their influence, and we cherish the conviction that our relations are to continue to be as cordial as hitherto. As a productive and intellectual nation, the prizes gained at the Philadelphia Exposition say enough. As a people jealous of its honor and its integrity, the sacrifices realized until now afford the measure of those which we are still ready to make.

Let us be lookers-on, therefore, with curiosity and satisfaction in the regenerating and liberal movement of the United States, who, in the same way, attentive to healing the wounds of its domestic policy, will have pleasure in maintaining intimate relations with the powers.

[Inclosure H in No. 406.—Translation.]

[Leading editorial on the Presidential election, from La Política, Madrid, November 10, 1876.]

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If we had shown ourselves profoundly alarmed at the election of Mr. Tilden, besides doing a thing contrary to the reality, we would have given occasion, or at least pretext, to the opposition papers to speak of the haste of the ministerial press, and of its imprudent attitude, which at such a time as this was ready to compromise the relations which unite us to a friendly power.

If there had been in reality a great motive of alarm, the dread of such accusations from the opposition journals would not have deterred us from fulfilling our duty of calling the attention of the government and of the country to the gravity of the circumstances, but we have already expressed yesterday the reasons we had for not considering them as grave as other papers did.

The Democrats return to power, but not without sharing it with the Republicans, who have a majority in one of the chambers. They return to power after sixteen years, four of which were passed in a terrible war, which caused an expense of more than six thousand million dollars to the public treasury, without counting the immense number of millions which the wealth destroyed in the country was worth; they return to power after slavery is abolished and the slaves emancipated in such a manner that it is impossible to set them back in their old state; they come to power with the experience which they have gained from the facts which have occurred, and which have changed the aspect of all these questions.

With respect to our island of Cuba, when in the Congress of Washington the influence of the slave States was almost balanced against that of the abolitionist States, the aggregation of Cuba to the United States was expedient for those of the South in order to give them the preponderance in Congress. Slavery being abolished in North America, that interest has disappeared, and there would remain the difficulties inher-

ent to the possession of islands, which need for their defense in case of war a greater number of troops than for continental possessions.

The statesmen of North America do not now aspire to the annexation of Cuba; they might, at most, endeavor to have it emancipated from Spain, but they will not go to war to bring about that emancipation, and they would rather endeavor to maintain good relations with a nation which enables them to collect an annual revenue of thirty-two million dollars. The question, therefore, has greatly varied under all its aspects during the last sixteen years.

There are other variations to note. The open wounds, those especially in the Southern States of the great republic, as a result of the late war, are not yet healed. The needs of the contest, the excitement of passions, the ferocity with which in many places the respective ideas were defended, have given rise to scenes of violence and to measures of repression which are still producing their effects. The return of the Democrats to power has produced in the North as in the South, difficulties for the American Government which we do not think will leave it superabundant time for turning its attention for the present to foreign enterprises, even did it persist, as formerly, in the idea of undertaking them.

On the other hand, there is no question pending between Spain and the United States which can give rise to sensible differences; on the contrary, our relations have never been on a more friendly and benevolent footing.

Lastly, the government, whose purposes in this respect we had the good fortune to express yesterday, foreseeing what might come about, and in its desire, moreover, to put a speedy end to the insurrection in Cuba, has asked from the country and has succeeded in obtaining the great effort which it has just made, and which, until now, no government had made on so large a scale in so short a time, and with its own means. The 25,000 men sent out are now in Cuba, with General Martinez Campos, and are joined with those who are there defending the integrity of the country; and, before the new American Government has time to look around itself, the insurrection will have been, if not extinguished, reduced to insignificant bands of marauders, of which our troops will soon render account.

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No. 238.

*Mr. Adee to Mr. Fish.*

No. 449.]

LEGATION OF THE UNITED STATES,  
*Madrid, December 4, 1876. (Received December 26.)*

SIR: General Concha has at last carried his point and succeeded in making a set speech in the senate on the conduct of the war in Cuba, in support of his recent motion reported in my No. 445. His speech was in the main a defense of his own late unfortunate command in Cuba, when the *trocha* was passed and Las Villas invaded with such disastrous results by the insurgent forces.

Mr. Calderon y Collantes replied, dwelling with much force and some bitterness on the incidents of that campaign, which seems to be a sore point with the Marquis de la Habana. The minister of war made a few remarks in answer to allusions, and the debate was adjourned over until to-day.

I send you copy of the Gaceta's appendix with the report of the proceedings, and also append translation of the remarks of the general and the minister concerning the relations between Spain and the United States.

I have, &c.,

A. AUGUSTUS ADEE.

[Inclosure.—Translation.]

[From the Gaceta de Madrid, December 3, 1876.]

*Extracts from the speeches of General Concha and Mr. Calderon y Collantes, in the Senate, December 2, 1876.*

THE MARQUIS DE LA HABANA (GENERAL CONCHA): \* \* \* \* \* Mention has been made of the perils and complications which the continuance of the war may cause with the United States. This is a very important and serious point, and the more so because of the deplorable declarations of the minister of state on the occasion of a parliamentary incident which occurred when I had the honor to request of the minister of war certain documents which I considered indispensable.

With what reason or right can this war of bandits, without a political banner of any kind, be the cause of complications with the United States? What, has not the republic of the United States in its history a war analogous to that of Cuba, which lasted fourteen years? If complications arise with the United States, the minister of state finds his path traced out for their solution; if there be a fact of doubtful right, let him treat it with the desire of reaching an honorable settlement; but if, unfortunately, the rights, the dignity, or the integrity of Spain be attacked, let him answer, not haughtily, but with energy, in accordance with the sentiments of the junta of generals.\* But this can not occur, for there are no statesmen in the American nation who can to-day wish to annex Cuba at the risk of a war with Spain. For my part, I am convinced that this dread which assails the minister of state is really a grave danger, for instead of a frank and friendly policy with the United States it will lead to a suspicious and distrustful policy, the policy of fear, which is the worst of all.

The same thing took place when the question of belligerence was treated in Congress; there were some who deemed Cuba lost, and others who boastfully, and without any necessity for it, went to work to enumerate the sea and land forces of Spain. I was then captain-general of Cuba, and I never gave to that question more importance than it possessed, because I knew that there would not be taken by the American Government a step so contrary to all international law.

Let the minister of state read the communications which exist in his department, and he will see that I never expressed myself alarmed because of the discussion of that question in Congress, and that there is not a single reclamation against me for having failed in my duty toward foreign subjects, without this in any way interfering with my taking the necessary steps against those who openly infringed the laws of the land. Behold, Messrs. Senators, what is my understanding of our position with respect to Cuba, and what good reason I have to be surprised at the words of the minister of state, which of themselves alone would carry disheartenment to the inhabitants of Cuba, were not a protest uttered in this place, and did not all of you join with me in saying, "It is not possible; there is no peril for Spain."

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THE MINISTER OF STATE (CALDERON Y COLLANTES): \* \* \* \* \* And after all, what plans has General Concha revealed which were not known before? If he has spoken for the purpose of throwing light on the question, then I confess that for me he has thrown no light on it at all. He says the war is difficult and cannot be decided in two or three battles. I, gentlemen, a poor civilian, and ignorant of war matters, have learned nothing thereby, for more than a year ago, in a memorandum addressed to the foreign powers, I said the same thing as General Concha, and that is, that just because the war was irregular, one of genuine vandalism, it offered greater difficulties in ending it; and I cited the wars in the United States, the Russian wars on the frontier of Asia, and what occurred in Cataluna when 4,000 or 5,000 men kept up a war for eleven months in spite of our army being commanded by one of the first generals of Europe, by the illustrious Marquis del Duero,† and was it ended by force of arms? No; you well know that it was not, and I say no more.

That memorandum opened men's eyes and put a stop to astonishment at the war's lasting so long, and it became understood that it did not indicate vigor on the part of the insurgents or lack of means on ours.

\* \* \* \* \*

General Concha has also spoken of our relations with the United States and of words which I had spoken in this place. I accept all the responsibility, and I am about to repeat them, because I think it convenient to do so. I said that the insurrection in Cuba was a peril for Spain, but not in the sense in which General Concha thinks. Without the United States thinking they have any right to interfere in the Cuban war, which is a mere insurrection, may not controversies arise leading to war in an-

\*This junta was created in December, 1873.

†D. Manuel Gutierrez de la Concha.

other way? Was there any need of belligerent recognition at the time of the tremendous controversy of the *Virginus*? Does General Concha know what was done in that question, which might have caused grave disasters for our country? For one of the glories I have pleasure in recognizing, one of the titles to the gratitude of the nation which belongs to Mr. Castelar, is his avoidance on that occasion of a war which was believed to be imminent. Who can assure General Concha that to-morrow, by reason of the war in Cuba, there may not occur some similar event and from which we may not come out as luckily as we did from the case I have just mentioned? For the present moment I see no probable conflict with any nation; but a year and a half ago we were environed by them. I know what it has cost to avert them, and I can give assurance that never have the relations of Spain with the United States been more intimate and friendly than to-day.

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No. 289. /

*Mr. Cushing to Mr. Fish.*

No. 1119.]

LEGATION OF THE UNITED STATES,  
*Madrid, January 13, 1877.* (Received February 2.)

SIR: My No. 929 of April 24, 1876, reported to you the result of a meeting of the entire foreign diplomatic body at Madrid, in which it was resolved to make a common representation to the Spanish Government remonstrating against certain clauses of the existing code of procedure which, in terms, authorizes and requires the local magistrates to exact by force the testimony of any one of the foreign diplomatic agents in reference to questions which may be pending in a local court, and when his testimony may, in the estimation of such magistrate, be deemed material.

This provision of the local law had been peremptorily resisted by several members of the diplomatic body (including my immediate predecessor), who each had taken the stand in this matter of repelling force by force, assuming that no local law could impair the diplomatic immunities which the law of nations accorded to foreign ministers, such privileges being the right, not of themselves, but of their respective governments.

We unanimously, in the meeting above mentioned, concurred in this doctrine, and as the result thereof Cardinal Simeoni, as our doyen, addressed a note on the subject to the minister of state, who admitted our premises, and gave assurance that the clauses of law in question should be repealed or properly modified in a general revision which the code of procedure was undergoing. To-day Mr. Layard called on me to say that, as acting doyen of the diplomatic corps, he had prepared a note calling the attention of the minister of state anew to the subject, which had been approved by my colleagues, and requesting my concurrence.

I confess feeling somewhat embarrassed on the subject in view of your instruction No. 394 of July 20, 1876; for if local law is to be regarded as overriding a treaty, *a fortiori* it may override a mere doctrine of public jurisprudence, and it would not seem that the United States have any special right to amend treaties by act of Congress.

On reperlusal of that dispatch, however, while it still seems to me to attribute to certain *nisi prius* decisions and *obiter dicta*, especially in the matter of Indian treaties, a degree of legal authority which would not be recognized as of much force on argument of the precise question in the Supreme Court, some of those *nisi prius* opinions having indeed been expressly overruled there; still, the concluding sentence of it explicitly declares that the rights of foreign nations remain intact notwithstanding such contradictory internal legislation.

Furthermore, it seemed to me that, as you had not disapproved the initiatory step taken in the present matter, you would not disapprove the second and consequent one, and I, therefore, with some hesitation gave my assent to the act of Mr. Layard.

Meanwhile my attention has again been called to the point by what has occurred in discussing the "royal order" with Mr. Calderon y Collantes. On my observing incidentally that it would not be convenient that the right accorded to us by the proposed "order" should be subject to the law of April, 1821, or to any other law which might be substituted for it, he replied, "Of course not; for the arrangement we are to make will be in the nature of an international agreement, and such agreements are never affected by any local statutes, whether of anterior or posterior date."

Such, as you already know, had always been my own theory of the relation between treaties and local statutes or laws; and in reference to questions occurring in Spain, when the point is of practical importance, the same theory has been assumed as indisputable by all my colleagues at Madrid. I recur to it only in solicitude to avoid overstepping instruction in reference to the same question, now become a serious one in at least two matters of controversy in Spain, to give way on which would seriously prejudice the interests of the United States.

I have, &c.,

C. CUSHING.

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No. 290.

*Mr. Cushing to Mr. Fish.*

No. 1161.]

LEGATION OF THE UNITED STATES,  
*Madrid, February 4, 1877.* (Received February 22.)

SIR: Your telegram of the 25th ultimo, on the procedure question, lifted a weighty burden from my mind. To have forbidden making the proposed protocol in any form would have left me in a diplomatic *impasse*, unable to advance and almost equally unable to recede.

My negotiation has been pursued not merely with the minister of state, Mr. Calderon y Collantes, but also with the all-powerful president of the council, Mr. Cánovas del Castillo. It would have been difficult for me at last to say to him that we insist on *ex parte* concessions from Spain, without any, however slight, recognition on our side of the treaty-rights of Spaniards in the United States. And it would have been suicidal to say that it is not in our power to execute the treaties in the United States as amply as we claim their execution of Spain; for the treaties at any rate contain stipulations of complete reciprocity confirmed by the Senate. In short, the difficulty of satisfactorily explaining refusal on our part to act in some form would have left us in a condition in no-wise conducive to the promotion of our public interests at Madrid.

Happily, complete accord has been at length reached by Mr. Calderon y Collantes and myself respecting the proposed protocol, on the premises of your telegram of the 25th.

I inclose herewith, in duplicate, by successive mails, copies of the protocol in English and Spanish as signed; and submit some explanatory observations.

1. You perceive that the protocol is dated January 12, although not finished and signed in fact until the 4th instant. As the whole negotia-

tion had been officially conducted in the name of Mr. Calderon y Collantes, having in fact occupied much of his time, as well as of my own, for a year past, his colleagues desired that he should bring the negotiation to a close, and sign the act as in effect agreed to by him on the 12th, the last day of his continuance in the ministry of state.

2. Reference on the part of Spain to the law of April 17, 1821, was admitted by you in the draught prepared at Washington, and such reference entering into the declaration of Mr. Calderon y Collantes, it naturally followed that my declaration might well be founded on texts of the Constitution and acts of Congress.

As to Mr. Calderon y Collantes, it was necessary that he should cite either textually or by implication the law of April 17, 1821, for no other law for the trial of treason and other crimes of the same analogy is in force in Spain.

The history and contents of the law deserve attention.

The constitution framed by the *Córtes* of Cadiz was excessively republican, as that word was construed by Robespierre and his colleagues of the French revolution. The Spaniards who framed it while their country was overrun and devastated by the invading armies of Napoleon, might have learned thereby, it would seem, the mischievous character of the extreme theories of the French Convention, of which the military despotism and semi-insane spirit of universal dominion, manifested in the invasion of Spain, were the logical sequence, but Argüelles and his associates in the *Córtes* of Cadiz, the *Doceañistas*, "Year-twelve-men," were blind, as too many of their school still continue to be, to the folly of such infatuated servitude to the extravagances of France.

Hence, on the return of Ferdinand VII, the work of the *Córtes* of Cadiz vanished at the mere word of the King, and its authors were driven for a time into obscurity and exile.

But nine years afterward the "Year-twelve-men" were restored to power in consequence of the *pronunciamiento* of Riego, the first and the most pernicious in that long series of acts of military mutiny and perjury which from time to time ever since have continued to demoralize the army and navy and to constitute the great curse and dishonor of Spain.

During this brief period, then, of the renewed domination of *Doceañistas*, the constitution of Cadiz was also restored, with renewal, of course, of struggle between the King and *Córtes*, which ended in the intervention of France under the Duc d'Angoulême.

The dogmas of the *Doceañistas*, like those of the French Convention, were a singular mixture of tyranny and liberality, which traits pervade their law "On the cognizance and mode of procedure in causes of political conspiracy."

Of the tyrannical features of that law, Spain herself has had sad experience, for, although designed as an instrument in the hands of the *Córtes* against the King, it was equally available in the hands of the King against the *Córtes*.

Of its liberal features, the precepts of trial contained in articles 20 to 33 inclusive are an example. I beg you to look at those articles as they appear in the translation of the law in question annexed to my No. 971, of May 13, 1876. You will perceive that these provisions are in substance those of our own legislation, from which in fact they were derived. And they seem to go a step beyond our acts of Congress in their more imperative, if not more complete, provision for the review of sentences in the last resort, which led you to doubt our power of absolute reciprocation.

3. The redaction of the declaration made by Mr. Calderon y Collantes

differs from the draught prepared at Washington only in changes of phraseology called for by the division into sections or paragraphs, but not in any wise affecting the sense to our prejudice.

4. My declaration refers to the treaties only in general terms, for the reasons that the treaty of 1795 contains nothing which is not explicitly and precisely covered by the protocol, and that the language of the treaty is inaccurate and vague, for although it speaks of offenses committed, yet most of what it says on the subject of trial seems rather applicable to civil than to criminal proceedings, as Mr. Sagasta and other Spanish ministers have had occasion to urge. As to offenses, the treaty provides that "the same shall be prosecuted by order and authority of law only, and according to the regular course of proceeding in such cases." But the "regular course of proceeding" in 1795 was the military jurisdiction; and since 1821 the only "law" on the matter is that of April 17, 1821; and the "regular course of proceeding" is what that law prescribes. Thus the words of the treaty could not add to, but would rather serve to diminish, the force of the protocol, seeing that the recital expressly sets forth that the object in hand is to fix the import and application thereof by an accord of the two governments.

5. Mr. Calderon y Collantes hesitated a little on the exception of the suspension of the writ of *habeas corpus*. Was not the effect of this suspension the same as the declaration of martial law, "état de siège," "estado de sitio," in time of local insurrection in France and Spain? And did we not thus reserve to ourselves, notwithstanding the treaty, the right to do, in time of local insurrection, the very thing which, in virtue of the treaty, we were denying the right of Spain to do? (See Opinions of Attorneys-General, vol. viii, p. 370.)

This obstacle was overcome, in the mind of Mr. Calderon y Collantes, by consideration of the importance of the sum total of the securities of fair trial which the Constitution and laws of the United States afford, and the infrequency of the occasion of the suspension of the writ of *habeas corpus*, and the infrequency also with which the trial of treason and its cognate crimes had been pushed to extremities in the United States.

6. You will observe that not only treason and its cognate crimes are withdrawn from trial by exceptional tribunals, but likewise all "other crimes whatsoever," and referred to the ordinary jurisdiction. I think the effect of the provision is that piracy cannot be tried by council of war or any other exceptional tribunal, but only by the ordinary tribunal, which for piracy is the regular tribunal of admiralty, but, there, with the guarantees of fair trial stipulated in the protocol.

7. While the declaration of Mr. Calderon y Collantes limits, in a most important matter, the application of the Spanish law by excluding military commissions in all cases save one, my declaration impairs no "rights of citizens," derogates from no "institutions" of ours, restricts no powers, but simply recites our law in the very words of the Constitution and of acts of Congress.

8. Finally, to the original draught of the protocol is added a stipulation on the part of the Spanish Government that, in order to give perfect security for its sincerity and good faith in the premises, a royal order will be issued commanding strict compliance with the terms of the protocol in all the dominions of Spain and especially in Cuba.

I trust you will see cause to feel satisfied with what has been thus done, which seems to me to be the successful conclusion of this long-standing controversy between Spain and the United States.

I have, &c.,

C. CUSHING



*Protocol of a conference held at Madrid on the 12th of January, 1877, between the Hon. Caleb Cushing, minister plenipotentiary of the United States of America, and his excellency Señor Don Fernando Calderon y Collantes, minister of state of His Majesty the King of Spain.*

The respective parties, mutually desiring to terminate amicably all controversy as to the effect of existing treaties in certain matters of judicial procedure, and for the reasons set forth and representations exchanged in various notes and previous conferences, proceeded to make declaration on both sides as to the understanding of the two governments in the premises and respecting the true application of said treaties.

Señor Calderon y Collantes declared as follows:

1. No citizen of the United States residing in Spain, her adjacent islands, or her ultramarine possessions, charged with acts of sedition, treason, or conspiracy against the institutions, the public security, the integrity of the territory, or against the supreme government, or any other crime whatsoever, shall be subject to trial by any exceptional tribunal, but exclusively by the ordinary jurisdiction, except in the case of being captured with arms in hand.

2. Those who, not coming within this last case, may be arrested or imprisoned, shall be deemed to have been so arrested or imprisoned by order of the civil authority for the effects of the law of April 17, 1821, even though the arrest or imprisonment shall have been effected by armed force.

3. Those who may be taken with arms in hand, and who are, therefore, comprehended in the exception of the first article, shall be tried by ordinary council of war, in conformity with the second article of the hereinbefore-mentioned law; but even in this case the accused shall enjoy for their defense the guarantees embodied in the aforesaid law of April 17, 1821.

4. In consequence whereof, as well in the cases mentioned in the third paragraph as in those of the second, the parties accused are allowed to name attorneys and advocates, who shall have access to them at suitable times. They shall be furnished in due season with copy of the accusation and a list of witnesses for the prosecution, which latter shall be examined before the presumed criminal, his attorney and advocate, in conformity with the provisions of articles twenty to thirty-one of the said law; they shall have right to compel the witnesses of whom they desire to avail themselves to appear and give testimony, or to do it by means of depositions; they shall present such evidence as they may judge proper; and they shall be permitted to be present and to make their defense in public trial, orally or in writing, by themselves or by means of their counsel.

5. The sentence pronounced shall be referred to the audiencia of the judicial district, or to the captain-general, according as the trial may have taken place before the ordinary judge or before the council of war, in conformity also with what is prescribed in the above-mentioned law.

Mr. Cushing declared as follows:

1. The Constitution of the United States provides that the trial of all crimes, except in cases of impeachment, shall be by jury, and such trial shall be held in the State where said crimes shall have been committed, or when not committed within any State the trial will proceed in such place as Congress may direct (Art. III, § 2); that no person shall be held to answer for a capital or otherwise infamous crime unless on presentment of a grand jury, except in cases arising in the land and naval forces or in the militia, when in actual service (amendments to the Constitution, Art. V); and that in all criminal prosecutions the accused shall enjoy the right to a speedy and public trial by an impartial jury of the State and district wherein the crime shall have been committed, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor; and to have counsel for his defense (amendments to the Constitution, Art. VI).

2. The act of Congress of April 30, 1790, chap. 9, sec. 29, re-enacted in the Revised Statutes, provides that every person accused of treason shall have a copy of the indictment and a list of the jury, and of the witnesses to be produced at the trial, delivered to him three days before the same, and in all other capital cases two days before that takes place; that in all such cases the accused shall be allowed to make his full defense by counsel learned in the law, who shall have free access to him at all reasonable hours; that he shall be allowed in his defense to make any proof which he can produce by lawful witnesses, and he shall have due power to compel his witnesses to appear in court.

3. All these provisions of the Constitution and of acts of Congress are of constant and permanent force, except on occasions of the temporary suspension of the writ of *habeas corpus*.

4. The provisions herein set forth apply in terms to all persons accused of the commission of treason or other capital crimes in the United States, and therefore, as well by the letter of the law as in virtue of existing treaties, the said provisions extend to and comprehend all Spaniards residing or being in the United States.

Señor Calderon y Collantes then declared as follows:

In view of the satisfactory adjustment of this question in a manner so proper for the preservation of the friendly relations between the respective governments, and in order to afford to the Government of the United States the completest security of the sincerity and good faith of His Majesty's Government in the premises, command will be given by royal order for the strict observance of the terms of the present protocol in all the dominions of Spain, and specifically in the island of Cuba.

In testimony of which we have interchangeably signed this protocol.

CALEB CUSHING.

FERN'DO CALDERON Y COLLANTES.

No. 291.

*Mr. Cushing to Mr. Evarts.*

No. 1211.]

LEGATION OF THE UNITED STATES,  
*Madrid, March 30, 1877. (Received April 16.)*

SIR: My telegram of the 28th instant will have advised you of the payment to me by the Spanish Government of the one-half of the amount of the awards thus far made by the claims commission constituted by the convention of February 12, 1871, between the United States and Spain.

I now proceed to communicate to you a succinct account of this negotiation.

Mr. Fish's instructions to present the awards for payment, dated December 12, 1876, reached me on the 27th of that month. But telegraphic and other instructions had peremptorily presented to me the duty of taking up and disposing of the question of criminal procedure in Cuba immediately after the conclusion of the negotiation for a treaty of extradition, which, of course, was done to the exclusion of any other matter of serious controversy.

The treaty of extradition was signed and sent off on the 5th of January. On the next day the consideration of the criminal-procedure question was taken up by the then minister of state (Mr. Calderon y Collantes) and myself, and we arrived at a substantial conclusion on the 12th; but the precise form of redaction proposed remained to be considered by the State Department, and the interchange of telegrams on this point between the Department and the legation protracted the negotiation until the 4th of February, when the protocol disposing of the subject was at length concluded, as the Department was advised by my No. 1161 of February 4, 1877.

Thereupon I took up the subject of the awards, and addressed to the minister of state (Mr. Silvela, who had meanwhile taken the place of Mr. Calderon y Collantes) my note of the 6th of February, 1877, transmitted to the Department with my No. 1170 of February 9. I delivered that note in person to Mr. Silvela, and urged him, with pertinent reasons, to give to it early attention.

But meanwhile the preparations for the King's voyage of inspection of the ports of the Mediterranean were going on, and at last he departed from Madrid, with arrangement that one after another of the ministers should accompany and follow him; and, on its being announced that the minister of state was to leave Madrid, I became uneasy, and made such representations to him on the subject that, admitting unreservedly the obligation of Spain in the premises, he referred me to the minister of ultramar as having received authority to act in the premises in his behalf. This was on the 24th of February.

I immediately sought and obtained an interview with the minister of ultramar, Mr. Martin de Herrera, who also informed me that the Spanish Government fully admitted the obligation, but desired indulgence as to the time of payment, proposing to give to the United States transferable international engagements, payable in a series of years. I received this proposition, of course, only *ad referendum*, without affording any encouragement that it would be acceptable.

We had now arrived at the 1st of March. On that day I communicated the proposition of Mr. Martin de Herrera to the Department by telegram. Well aware, however, that it could not be accepted by the Department, as it was not, I concluded, in the absence of the minister of state, to confer on the subject with the president of the council, Mr. Cánovas del Castillo, who corresponds in function to the prime minister of Great Britain.

The result of this interview was telegraphed to Secretary Fish on the 2d, and was responded to by him on the 3d, to the conclusion that half of the amount of the awards should be paid in cash and half in six months.

I communicated this conclusion orally to Mr. Cánovas del Castillo, with suggestion that it would be creditable to the Spanish Government that it should make the proposition, rather than to have the arrangement seem to be imposed on that government.

In consequence, a note was addressed by me to Mr. Cánovas del Castillo on the evening of the 3d of March, to which he replied on the 5th, receiving my response on the 6th, the three notes together constituting a confidential agreement, in accordance with the terms prescribed by Secretary Fish. Translation of each of these notes is affixed.

Some delay in the official consummation of this agreement was produced by the perpetual *va-et-vient* of the ministers between Madrid and the several sea-ports at which the King successively touched, and especially the absence of the minister of state, and the necessity of an official note from him in response to mine of February 26, to constitute formal authentication of the provisional agreement made between Mr. Cánovas del Castillo and myself. Copy and translation of that note, which came to me on the 10th of March, are annexed.

Meanwhile the minister of ultramar, to whom the task of raising the money had been committed, was busy in that matter and in verifying the calculation of the sum due, which had been made in the legation and delivered to him as the basis of payment. At length, on the 27th, Mr. Martin de Herrera notified me that on the next day he would be ready to make payment, as he in fact did, on the 28th. The payment consisted, as my telegram has informed you, in a sterling bill on the London Banking Association, limited, at fifteen days' sight, drawn by the Bank of Castile.

Translation of the *estado* or statement on which payment was made, copy and translation of the bill and its indorsement, and copy and translation of the receipt given by me, are annexed, on all which the following explanatory observations are submitted:

(a) The figures of the *estado* are an exact copy of those of the statement prepared in the legation.

(b) It represents the one-half of the capital of the awards, with the interest on that half, leaving the payment of the other half, with its interest, for September.

(c) I assumed that the awards are made payable in the gold coin of the United States carried out in sterling pounds at our standard rate of \$4.86.65 per pound, in conformity with the latest instructions of the Department in that respect.

(d) Interest is only calculated where it is designated in the awards.

(e) In two cases, Nos. 66 and 108, interest is awarded, but the rate is not mentioned. In these cases 6 per cent. is assumed, with right of correction, if necessary, reserved in my receipt.

(f) As the statement was drawn up on the 16th and payment was made by a bill of the 27th, the accrued interest is to be reckoned in the final payment.

On receiving payment, I sent to the minister of state a reply to his note of the 8th, copy of which is annexed.

You will observe in his note reference to unadjusted claims of Spanish subjects against the United States on account of incidents occurring during the war of secession, as to which, knowing nothing myself and having no instructions, it was impossible for me to go further in reply than to assume that, when duly presented, the subject would have consideration on the part of our government.

The bill of exchange will be dispatched to London immediately by express messenger, indorsed to Messrs Morton, Rose & Co., as instructed by your telegram of the 29th.

I felt much apprehension, on first calling the attention of the Spanish Government to the subject, lest it should be objected that the awards are none of them payable until the final winding up of the commission, especially as in some cases a year, and in others even two years, had elapsed since the awards were made without payment having been demanded, which might have seemed to imply that the United States did not consider it rightful to make such demand. To be sure, I was prepared to argue this point, but the argument, with response and counter-response, might have occupied considerable time and involved delay at least of uncertain duration. However, neither the minister of state nor the minister of ultramar, nor the president of the council has raised this or any other technical question during the whole course of the negotiation, which seems to me to deserve to be taken into account as cumulative evidence of the honorable spirit and conduct of the Spanish Government in the premises.

Nothing further now seems to me as needful to be added by way of explanation of this negotiation; and it only remains for me to say that it has been concluded with promptness even beyond my expectations; and its results will, it is hoped, commend themselves to the approbation of the President.

I have, &c.,

C. CUSHING.

[Inclosure A in No. 1211.—Translation.]

*Mr. Cushing to Mr. Cánovas del Castillo.*

His Excellency the PRESIDENT OF THE COUNCIL OF MINISTERS:

DEAR SIR AND OF MY HIGHEST CONSIDERATION: I beg you to permit me to remind you that my note addressed to the minister of state, on the 6th of February last, respecting the awards of the commission established by the convention of the 12th of February, 1871, still remains unanswered, by reason, doubtless, of the absence of Mr. Silvela from Madrid; and I venture to express the hope that, in view of the urgent circumstances whereof you are aware, it may be convenient for you to communicate to me the resolution of the question taken by the Government of His Majesty.

I remain, &c.,

C. CUSHING.

MADRID, *March 3, 1877.*

[Inclosure B in No. 1211.—Translation.]

*Mr. Cánovas del Castillo to Mr. Cushing.*

MADRID, March 5, 1877.

His Excellency Mr. CALEB CUSHING:

DEAR SIR: I have just received the letter which you have had the goodness to write to me to-day, wherein you remind me of a note which you were pleased to address to the minister of state under date of the 6th of last month, relative to the payment, on the part of the Spanish Government, of the reclamations, which, among various others, of citizens of the Union, have been declared competent and accepted by the mixed commission established by the convention of the 12th of February, 1871.

Notwithstanding that the minister of state is at present absent, I have occupied myself and the Government of His Majesty has preferentially occupied itself, with so important a matter, and I am enabled to say to you in anticipation, without prejudice to the communication to be made to you by the minister of state on his return in the ordinary form, that the Spanish Government, recognizing the justice of the reclamation to which you refer, would desire, nevertheless, if that of the United States find no inconvenience therein, to satisfy its import in the terms and forms following:

1st. Paying forthwith one-half of the total amount of the reclamations in question and which have been recognized.

2d. Paying the other half in six months from the time of effecting the first payment.

It would give great pleasure to the Government of the King were that which you so worthily represent to accept forthwith this proposition, which, in the name of the Government of Spain, I have the honor to present to you.

And with this motive I repeat myself your most attentive friend and obedient servant,

Q. B. S. M.

A. CÁNOVAS DEL CASTILLO.

[Inclosure C in No. 1211.—Translation.]

*Mr. Cushing to Mr. Cánovas del Castillo,*

His Excellency the PRESIDENT OF THE COUNCIL OF MINISTERS:

DEAR SIR AND OF MY ENTIRE CONSIDERATION: I have just received with pleasure your note dated yesterday. The proposition of payment—one-half at once and the other half in six months—comes within the conditions fixed in the last telegrams from my government. I therefore have authority to accept it, and I do so, in the name of the United States, as final settlement of the pending question.

Permit me to add, for my part, that nothing could occur which would so serve to elevate the prestige of Spain and of the government of His Majesty in the United States and throughout America as this incident does. It is of more value than a battle in the field, inasmuch as it is the evident and incontestable proof that, in the midst of many difficulties, Spain resolutely desires and well knows how to guard intact her traditional good faith, and to fulfill, without hesitating, her obligations toward other governments.

I remain your obedient, faithful servant, and sincere friend,

Q. B. S. M.

C. CUSHING.

MADRID, March 6, 1877.

[Inclosure E in No. 1211.—Translation.]

*Mr. Manuel Silvela to Mrs. Cushing.*

MINISTRY OF STATE,

*The Palace, March 8, 1877. (Received March 10—3.30 p. m.)*

EXCELLENCY:

SIR: In due time I received your excellency's note of the 6th of February last past, in reference to the payment, on the part of Spain, of the awards made in favor of citizens of the United States by the mixed commission established in consequence of the convention settled between Spain and the Union on the 12th of February, 1871.

My absence from this court, by reason of having had to accompany His Majesty during a part of his voyage, has been the principal cause of my not having sooner answered your excellency's aforesaid note; but I now hasten to do so, ratifying to you officially that which has already, in a confidential manner, been manifested to you by the pres-

dent of the council of ministers, in accord with your excellency, that the Government of His Majesty, recognizing the justice of the reclamation presented by your excellency, is ready to satisfy, in two installments, the sum total of the reclamations examined and allowed up to the present time by the mixed commission, paying forthwith the one-half of their import and the other half in six months after having effected the first payment.

This proposition being accepted by the Government of the Union, which has seen, doubtless, that that of His Majesty has done all which lay within its grasp under the present circumstances for the speedy and final settlement of the reclamations of American subjects, and this matter satisfactorily terminated, it only remains to me to call your attention to those of the Spanish subjects who suffered prejudices in the United States during the war of secession—reclamations which were certainly not rejected by the government of Washington, but their settlement merely deferred until the termination of the war. This has fortunately come to pass; and to-day they could be submitted to the mixed commission established in virtue of the convention of 1871, or to another analogous one created for the purpose, as I have had the honor to suggest to your excellency orally before now.

But upon this matter I reserve to myself the addressing to your excellency of a separate note, or communicating instructions to the minister of Spain in Washington, in the assurance that those reclamations will be heeded in justice by the Government of the Union in like manner as those of the Americans have been heeded by Spain.

I take this opportunity of reiterating to your excellency the assurances of my most distinguished consideration.

MANUEL SILVELA.

The MINISTER PLENIPOTENTIARY OF THE UNITED STATES.

[Inclosure F in No. 1211.—Translation.]

Calculated table of capitals and interests awarded as indemnification to North American citizens by the commission of arbitrators in Washington, showing, up to the sixteenth day of March, 1877, the one-half payable in cash in conformity with the resolution of the ministers, of the 6th, and in fulfillment of the accord of the 22nd of the same month.

Number of claim.	Name of claimant.	Date of award.	Terms of interest.	Time of interest.			Amount awarded.	Half of the amount awarded.	Interest on half of the award.	Total of one-half of award with the interest.	Equivalent in sterling at \$486.65
				Years.	Months.	Days.					
1	Henry Story	Jan. 4, 1874	None	6	6	15	\$1,200 00	\$600 00	.....	\$600 00	2.
4	Peter Moliere	Nov. 2, 1875	Six per cent., September 1, 1870, to payment.	6	6	15	3,000 00	1,500 00	.....	2,088 70	123 5 10 429 4
5	James M. Edwards	Dec. 20, 1875	None	1	4	15	5,000 00	2,500 00	.....	2,500 00	513 14 4
13	Joaquin G. de Angarica	Nov. 2, 1875	Six per cent., November 1, 1875, to payment.	1	4	15	748,180 00	374,090 00	.....	404,939 62	83,209 12 5
14	Gideon Lowe & Co.	Dec. 12, 1874	Six per cent., January 10, 1869, to December 12, 1874.	5	11	2	175 00	87 50	.....	118 60	24 7 5
23	José Vicente Brito	Nov. 14, 1874	Six per cent., February 19, 1869, to November 14, 1874.	5	9	2	600 00	300 00	.....	403 60	82 18 8
31	Joaquin M. Delgado	Feb. 27, 1875	Eight per cent., May 5, 1869, to February 24, 1875.	5	9	19	113,360 00	56,680 00	.....	82,988 84	17,083 1 8
41	José de Jesús H. y Macías	June 26, 1875	None	4	5	.....	3,000 00	1,500 00	.....	1,500 00	308 4 7
66	Gonzalo Poesy	Apr. 8, 1876	Six per cent., October 16, 1872, to payment.	4	5	.....	313 75	156 87½	.....	188 44½	40 15 7
87	Joseph Griffon	Apr. 10, 1875	None	7	3	11	500 00	250 00	.....	250 00	51 7 5
108	Charles J'emot	Apr. 8, 1876	Six per cent., December 4, 1869, to payment.	7	3	11	5,000 00	2,500 00	.....	3,592 02	738 2 3
	Total						880,328 75	440,164 37½	.....	499,179 88½	102,574, 14, 2

As representative of the United States of North America, accredited near the Government of his Catholic Majesty, I declare that I have this day received the sum of one hundred and two thousand five hundred and seventy-four pounds sterling fourteen shillings and two pence in a bill upon London, at fifteen days' sight, to the charge of the London Banking Association, of date 27th instant, acknowledging myself satisfied in the name of the government of my nation by the first installment of the indemnification declared up to the present time by the arbitrators, without prejudice to making the correction, on effecting the payment of the second installment, if the interests set down in the foregoing calculation to the credit of Gonzalo Poey, designated by the number 66, and of Charles Jemot, No. 108, be greater or less than the six per cent. calculated therein, as likewise to the inclusion in the payment of the second installment, the interest accrued from the 16th of the current month, referred to in this calculation, made up to the present time.

MADRID, March 28, 1877.

CALEB CUSHING,  
*Minister of the United States.*

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No. 292.

*Mr. Adee to Mr. Evarts.*

No. 488.]

LEGATION OF THE UNITED STATES,  
*Madrid, April 13, 1877. (Received May 1.)*

SIR: The reorganization of the Spanish Senate, conformably with the provisions of the present constitution, is now nearly completed.

In the exercise of his royal prerogative His Majesty has just appointed 106 senators for life, on the recommendation of the council of ministers. The decrees making these appointments appeared in the *Gaceta* of the 11th instant.

Under the existing constitution the total number of senators is limited to 180 life-members and 180 elected in different ways. Of the first category a number hold seats in their own right, such as *grandees* of the realm, having an income in excess of \$12,000 annually; the higher prelates, the captains-general of the army, the admiral of the navy, and some few others, leaving the remainder to be nominated by the King.

The elected senators are chosen by indirect suffrage, exercised through the medium of the provincial deputations, the universities, the incorporated academies, and convocations of tax-payers.

In making the nominations on the part of the Crown it seems to have been the endeavor of the King's advisers to give representation to all the most distinguished classes of Spanish society, including the nobility, the army, and eminent men who have won public or intellectual distinction. Although for the most part taken from the conservative orders, there are still among them prominent ex-senators and ex-ministers of the more demonstratively liberal parties, their proportionate representation being about equal to that attained by the same parties in the popular election of members of the lower house, and in the recent choice of the elected senators.

Notwithstanding this, much bitterness of feeling is exhibited on the part of the opposition, and notably by the so-called "Constitutionals" and "Radicals," who assert that by the present selection of the permanent element of the senate the door is forever closed to the liberal parties in their constitutional struggles to grasp the reins of power.

In order to support this statement they assume, not merely the acknowledged conservatism of the prelates who have been seated, but also that all the life senators holding office in their own right, all the



captains-general, all the senators elected by the corporations and taxpayers, and nearly all those now named by the Crown, are of necessity and must continue to be conservative and reactionary in their views; and that these senators, in conjunction with the conservatives elected in the ordinary course of events, even under a radical government, if such were possible, will form a majority in the upper house to the result of rendering all liberal government impossible, and perpetuating Mr. Cánovas in office in default of any other practicable solution.

Adopting this sweeping computation of the opposition press, the extreme number of life senators of all grades of conservatism is about one hundred and fifty, and there are about a dozen "Constitutionals" and some eighteen vacancies left unfilled to make up the allotted 180.

On the other hand, the supporters of the government claim that many of the conservative nominees are of liberal views, and that the number of unfilled vacancies will be about forty.

I think it is left out of account that senates are, in nearly all constitutional governments, conservative in their tendencies, and yield more slowly to the popular sentiment than the more transitory lower chamber. There seems, moreover, no good reason why, between changes of individual opinion and the natural process of gradual substitution which must occur in a large body of men of advanced age, the Spanish Senate should not respond in due time to a counterwave of political feeling whereby one of the opposition parties might be placed in power. Besides which, the conservative majority is a conciliation rather than a political unit; it is made up even now of coalesced fractions, some of which, as the "Historical Moderados," violently oppose the government in questions of domestic liberalism, while many of the life senators are men of large landed or business interests whose sole aims would be in the direction of stability and peace in event of a political change. Under these circumstances it does not seem likely that these political and practical elements would combine in sheer conservative obstinacy to render a more or less liberal government impossible, as appears to be assumed in some quarters.

And I think it is also overlooked that the present government could not have given to any one party of the opposition an immediate chance of success in the upper house without in point of fact designating its own successor. And to have divided the chances of future power equally among the conflicting fractions in opposition would have tended, equally with the present arrangement, to make government a difficult task for any one of them, to the like result of vociferous discontent. In point of fact, the real grievance of each of these irreconcilable fractions seems to be that there are not life senators enough appointed from its ranks, nor vacancies enough left for it to fill with its own adherents, to insure its succession to exclusive power, with the same prospect of permanency as the government of Mr. Cánovas del Castillo now shows. But after all it is in this very stability of the King's present government and freedom from the shifting uncertainties of the preceding few years that thinking Spaniards see a change for the better in the moral and material condition of Spain.

The Cortes, comprising the new senate with last year's congress, are convoked for the 25th instant.

I have, &c.,

A. AUGUSTUS ADEE.

No. 293.

*Mr. Adee to Mr. Evarts.*

No. 506.]

LEGATION OF THE UNITED STATES,  
*Madrid, April 29, 1877. (Received May 17.)*

SIR: The minister of hacienda, Mr. José García Barzanallana, presented to the Cortes on Friday last the estimates of receipts and expenditures for the ensuing fiscal year, beginning on the 1st of next July. It is a ponderous document, filling some nine closely-printed pages of the official *Gaceta* of yesterday; and as its length and general want of interest, so far as we are concerned, preclude its being translated by me, I content myself with sending to you two copies of the paper containing the budget, endeavoring at the same time to give you an outline of its main points, some of which closely affect foreign commerce with Spain.

The expenditures are estimated at 735,775,184 pesetas (say, \$142,004,610.51); and the receipts from all sources, taxes, imposts, revenues, and duties, at a total of 735,868,647 pesetas (say, \$142,022,648.87), leaving a margin for deficiencies of only 93,463 pesetas (\$18,038.36), which, as the deficiency of estimated revenue for the current year will probably reach 134,000,000 pesetas, can hardly be called an excessive allowance.

Besides these fixed revenues provision is made for the sale of state property to the amount of 33,943,337 pesetas, applying that sum to the payment of interest and principal of treasury-bonds.

The impost on real estate, cultivation, and cattle-raising is fixed at 165,000,000 pesetas, and may not exceed 21 per cent. of the net profits of the same in any case.

The extraordinary war-tax of one-ninth part of the industrial and commercial contribution is suppressed, and in its place is established a transitory surcharge of 15 per cent. of the respective industrial and commercial quotas according to the existing tariff (article 5).

I translate article 10:

The import of *cédulas personales* shall be collected at the dwelling-houses of the parties during the first quarter of the fiscal year, after previous formation of lists of all the persons obliged to provide themselves with *cédulas*, among whom shall be counted foreigners domiciled in the kingdom, who, by the fact of satisfying this impost, shall remain exempt from the payment of the fee for inscription in the municipal registers.

I invite your attention in this relation to the corresponding paragraphs in Mr. García Barzanallana's explanatory preamble as marked in red on page 280 of the accompanying *Gaceta*. This whole question of the liability of foreigners to the tax for *cédulas personales* has for some time been a cause of dispute between the Governments of Great Britain, France, Germany, and Italy, and that of Spain. This new disposition making their acquisition obligatory on all foreigners, instead of only on those who were required to present the *cédula* in order to legitimize the performance of certain specified civil and legal acts, as was the case in the last budget, will doubtless give rise to renewed discussion in this respect.

The carriage-tax is repealed as a government tax (article 14).

A tax of 8.80 pesetas per hundred kilograms is established on sugars produced in Spain (article 15). (See the marked section of the preamble on page 281 of the *Gaceta*.)

I translate also articles 18, 19, 23, and 24 because of their importance as affecting the foreign trade of Spain, and in view of the acrid international discussions to which they are likely to give occasion:

ART. 18. There is established an extraordinary and transitory impost upon the values of the articles of foreign commerce hereinafter expressed, and to the amounts which are also determined :

One per cent. on the importation of merchandise whose customs duties are from 3 to 9 per cent., inclusive.

Four per cent. of the value on the importation of tobacco for private parties, and on the merchandise whose customs duties are from 10 per cent. upwards, with exception of textile goods and the articles subject to the transitory impost on articles of consumption.

Four per cent. of the value of wines of Jerez and Puerto Santa María exported to foreign parts and to the Spanish provinces of Ultramar.

Two per cent. of the value of other wines not of Jerez and Puerto Santa María, and of minerals and metals which may be exported to the same destinations.

For the liquidation of this impost shall be taken as a basis the official values annually fixed by the consultative junta of tariffs and valuations, in conformity with the instruction of the 15th of last January.

The administration of the impost shall be at the charge of the customs, and its assessment and collection shall be made simultaneously with the regular tariff duties.

ART. 19. The government will reform the values and classifications of the existing customs tariff, and will convert into fixed duties those which at the present time are established *ad valorem*, in fulfillment of what is ordered in the last paragraphs of the seventh and eighth bases of the customs tariff-law of July 1, 1869.

ART. 23. The reductions of duties which may result from the rectification of the customs tariffs shall only be applied to the products and exports of the nations which concede to Spain the treatment of the most favored nation.

ART. 24. The government is empowered to impose an additional charge on the duties of importation and on navigation-dues for the products, vessels, and exports of the countries which may in any way especially prejudice our products and our commerce.

In his preamble to the budget, Mr. García Barzanallana gives the reasons which have led to the inclusion of these provisions, and rather broadly indicates several of the countries to which the proposed law is to be made applicable. He says :

Lastly, treating of imposts on imports and exports and of the revision of the values and classifications of the customs tariff, there must be borne in mind the differential duties, the prohibitions and gravamens which our commerce suffers in several foreign marts, wherein it is denied the benefits conferred upon the like trade of other nations, and the best way to try to put an end to such a prejudicial and unbearable state of things; thus giving to the country the satisfaction that, although on the one hand necessary and dolorous tributes are imposed upon it, yet on the other we sally forth in defense of the national productions and seek to better their standing in foreign nations.

Several powers, especially those with which we maintain the largest commercial relations, without appreciating the benefits of the last reforms of our tariff, without responding to them, and unmindful that in Spain there is no customs distinction whatever to their prejudice, have tenaciously objected to favor our productions with the benefits of conventions or special tariffs, giving no heed again and again to the just and well-founded complaints of the Spanish Government.

Some countries have celebrated conventions in which our wines are punished with differential duties, founded on the artifice of the alcoholic scale; another very important country has two tariffs of duties, a general one with many prohibitions, high duties, and special surcharges applicable almost exceptionally in Europe to Spain, and another conventional one, with very low duties as compared with the former, and without any commercial prohibition or special surcharge. There is a republic in America which not long ago declared French wines free of duty, and increased the duties on those of Spain. There is therefore a real necessity for applying the practical means of procuring the concession to us, not of exclusive privileges, but of the benefits which the powers in question grant to many other powers. These means are none other than the application of the reduction of duties which may result from the revision of the tariff, only to those nations which by conventions concede to the products and commerce of Spain the treatment which they accord to those of the most favored nation; and likewise to those other powers which without treaty apply their customs legislation to Spain in complete equality with the conditions under which they apply it to all other countries, and without any concrete distinction established against any of our products, in order to favor the like products of any other country or countries. In the event of this not being sufficient, the government should be empowered to apply in addition, within a prudent time, an extra charge upon import duties and navigation dues, for the products, vessels, and exports of the countries mentioned which may in any way especially prejudice our productions and commerce.

Besides the foregoing extract, I call your attention to the entire section of the preamble relating to customs, which you will find on pages 281 and 282 of the *Gaceta*.

I do not see that the proposed law of the minister of finance especially affects us. The extra charges on imports and exports bear on all foreign commerce alike, and, so far as I know, we have no discriminating duties against Spain which are not merely reciprocal, if not retaliatory. It is therefore to be presumed that it is intended to give the United States the benefit of any reduction of duties, as being one of those nations treating the commerce of Spain in general on a level with that of other nations. I shall, however, investigate this point in conversation with the minister of state.

It is easy to identify the countries particularly alluded to by the minister of finance. England is the principal one employing "the artifice of the alcoholic scale," for although we employ the same "artifice," yet our higher limit of proof prevents the fuller grades of Andalusian wines from becoming dutiable as spirits. France is the country where a double tariff exists, an evil which the ardent diplomacy of Spain has for some years ineffectually endeavored to overcome. And the American republic which admits French wines free and doubly taxes those of Spain is Venezuela.

All these provisions of international operation will doubtless be keenly discussed in the *Córtes*, and may possibly be somewhat modified in deference to the representations of the foreign legations here before the budget becomes a law. I do not, however, anticipate any material change.

To return to the budget: Articles 25 to 35 are devoted to the regulation and readjustment of the various imposts on articles of consumption, which are now to be imposed and collected by the treasury, with the exception of that on salt. As for this indispensable article, no less than seven sections of the budget are devoted to arranging for an income of 18,500,000 pesetas thereon. Two imposts are established, one to be collected directly from the *ayuntamientos*, amounting to one peseta for each inhabitant, and the other, of 1,500,000 pesetas, to be distributed *pro rata* among the salt producers. To offset the first of these imposts, the *ayuntamientos* are given the monopoly of retail sales of salt, with power to farm out the same.

The revenue-stamp tax on sales of merchandise is suppressed, being merged in the increase of the industrial and commercial contribution (article 36). This change gives general satisfaction, the tax having been especially obnoxious to the people, besides yielding very meager results.

The war-stamp on letters circulating within Spanish territory is increased from 5 centimes to 15 centimes on each letter mailed (article 37).

The coinage of silver will continue to be at the charge of the state (to which the profits of the operation will of course accrue).

The floating debt of the treasury incurred in meeting the expenses estimated is to be limited to one-fourth part of the total sum for the fiscal year, except in case of foreign or civil war or serious disturbance of the public peace (article 41).

The remaining articles of the budget proper offer but little general interest.

A further bill introduced by Mr. García Barzanallana at the same time provides for the extinction of the probable deficit at the conclusion of the current fiscal year by means of the hypothecation of treasury bonds and the emission of fresh obligations, or of treasury notes, at 6 per cent. interest.

And finally, a third bill provides that the extinction of the 6 per cent. debts, which was suspended by the decree-law of June 26, 1874, shall be resumed during the fiscal year of 1878-79, to the extent of 5,300,750 pesetas.

Taken as a whole, the financial measures now presented show little advance on their forerunners, but will probably, like them, be voted by the majority without essential change, and if, in debate, it should be represented that the present estimates but follow in the wake of former ones, making good the deficiencies of the last by fresh taxation, and loading down the industry, the productions, the exports, the very life of the country with renewed burdens, instead of aiming to foster the development of its resources and the increase of its material wealth, such arguments will, most likely, pass unheeded as due to the narrow factiousness of mere partisan opposition.

I have, &c.,

A. AUGUSTUS ADEE.

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No. 294.

*Mr. Adee to Mr. Evarts.*

No. 531.]

LEGATION OF THE UNITED STATES,  
*Madrid, May 8, 1877. (Received May 23.)*

SIR: The official Gazette of yesterday published an important decree, whereby, in the language of its first article, "the government and administration of the province of Vizcaya shall be adjusted to the laws and ordinances which are in force for the government of the others of the nation." The necessity of some such measure as this has been for some time painfully evident.

The law of July 21 of last year, which, prior to its passage, formed the text of Mr. Cushing's dispatch No. 998, on the foral question, while abolishing the fueros of the Basque Provinces in so far as they conflicted openly with the interests of the rest of the peninsula or the national unity, authorized the government to maintain, in its discretion, such of the ancient provincial uses and customs, and, in particular, so much of the peculiar municipal and administrative autonomy, as might be practicable, in order to render easier for the loyal Basques the transition from one system to the other. For this purpose the fourth article of that law authorized the government to confer with the representatives of the three provinces of Alava, Guipúzcoa, and Vizcaya, as to the extent of the needful concessions. This was accordingly done. The provincial corporations and deputations met in conference with the delegates of the nation. Victorious Spain so far waived the fruits of success as to treat on terms of almost international equality with the three provinces. With regard to Alava and Guipúzcoa, a conciliatory spirit prevailed and mutual concessions were made.

But in Vizcaya the resistance to reform was most tenacious. All classes opposed reconstruction. No public opportunity was lost of manifesting discontent. At the inauguration of the new Plaza de Toros at San Sebastian last year, the demonstration against national unity was so marked and imposing as to occasion not only comment, but distrust, approaching to alarm. Rich and poor, old and young, men and women alike wore the oak-leaf, the symbol of the tree of Guernica—the charter-oak of Biscay—the type of their foral privileges. It was, of course,

impossible for the provincial delegates not to reflect this uncompromising tendency of the people they represented. And it was perhaps natural enough that this feeling should be so universal. The loyal element felt that they were entitled to retain the fueros as a reward for loyalty. The disloyal resented deprivation of their time-honored exemptions.

The disagreement between the foral delegations and the representatives of the government has long been a matter of public notoriety, and of concern. It seemed impossible to overcome the narrow provincialism of the Basques. They remained indifferent to the national acts performed by Spain in their behalf; at home and in the colonies they held that they were under no obligations to the commonwealth; that they were entitled to the privileges of Spanish nationality while exempt from its burdens. They even claimed that the power of sanctioning the national laws remained with the provinces; that an act of the Córtes and the King could not pass the Ebro without their consent.

This state of discordance could not long continue without disparagement of the prestige of the nation. The last hope of compromise having been abandoned, the present decree comes to put an end to the conflict. Vizcaya must hereafter share the burdens as well as the benefits of Spanish nationality. Her church establishment, her highways, her post-offices, and her schools become now a charge upon her, in proportion with the rest of the nation, instead of being a gift at the expense of the other provinces of Spain. The measure is not a sweeping one, however, and special relief from onerous taxation is to be given to those towns and communities which suffered in defense of the national interests during the recent Carlist war.

It is hardly necessary to add that the present decree gives general satisfaction to the rest of Spain, which has long chafed under the burden of paying for the privileges of the Basques, in return for their ingratitude.

I transmit copy of this decree, as also of the law of July 21, 1876, on which it is founded.

It does not seem worth while to append translation, many of the enactments being of slight or local interest.

I am, &c.,

A. AUGUSTUS ADEE.

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No. 295.

*Mr. Adee to Mr. Evarts.*

No. 558.]

LEGATION OF THE UNITED STATES,  
*Madrid, May 24, 1877. (Received June 11.)*

SIR: To-day's Gaceta publishes a bill to be presented to the Córtes by royal order of His Majesty, intended to foster commerce in Spanish bottoms with the Philippine Islands, by conceding, as a bounty, certain reductions from the regular tariff of customs-duties upon foreign merchandise imported into the ports of the Philippines under the Spanish flag.

This measure has been in abeyance since June, 1871. Its history and character are amply shown in the bill itself, which I transmit herewith, in copy and translation.

It will probably soon become a law, when I will take care to send you information of its promulgation.

I have, &c.,

A. AUGUSTUS ADEE.

[Inclosure.—Translation.]

*Proposed law for conceding bounties to foreign merchandise carried to the Philippines under the Spanish flag.*

[From the Gaceta de Madrid, May 24, 1877.]

## MINISTRY OF ULTRAMAR.—ROYAL DECREE.

In subjection to article 3 of the decree of June 23, 1871, and in accord with the council of ministers,

I hereby authorize the minister of ultramar to present to the Córtes the project of law relative to conceding bounties in the Philippines to foreign merchandise carried under the national flag.

Given in the Palace, May 18, 1877.

ALFONSO.

The Minister of Ultramar,  
CRISTÓBAL MARTIN DE HERRERA.

*To the Córtes :*

By royal decree of June 28, 1871, in view of the reasons set forth by the minister of ultramar, in accord with the council of ministers, and in conformity with the council of state, there was accorded the concession of bounties in the Philippines upon foreign merchandise carried under the national flag; but as this reform postponed the effects of article 3 of the decree-law of December 29, 1868, whereby was reduced to the extent of 50 per cent. the discriminating duty of the flag (*derecho diferencial de la bandera*), which was to be kept for the space of two years, there was presented to the Córtes on the 3d of July, 1871, a project of law to the end that the aforesaid decree of June 28 should have the force of a law. That project not having been discussed, the undersigned minister, with the consent of His Majesty, and in accord with the council of ministers, has the honor to reproduce it in the following form :

*Project of law.*

SOLE ARTICLE. Goods, fruits, and effects, carried to the Philippine Islands from foreign ports under the national flag, shall pay the customs duties, with the following reductions :

Twenty-five per cent., the importations effected from July 1, 1871, to June 30, 1873 ;  
Twenty per cent., those effected from July 1, 1873, to June 30, 1875 ;  
Fifteen per cent., those effected from July 1, 1875, to June 30, 1877 ; and  
Ten per cent., those which may be effected from July 1, 1877, to June 30, 1879, on which day the bounty shall definitively cease.

MADRID, May 18, 1877.

The Minister of Ultramar,  
CRISTÓBAL MARTIN DE HERRERA.

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No. 296.

*Mr. Adee to Mr. Evarts.*

No. 559.]

LEGATION OF THE UNITED STATES,  
*Madrid, May 25, 1877. (Received June 11.)*

SIR: In addition to the bill reported to you in my No. 558, of yesterday, the same number of the Gaceta publishes another bill having relation to foreign commerce with the Philippines.

It seems that in November last Admiral Malcampo, the governor-general of the Philippine Islands, in conformity with a decree of October 16, 1870, issued an order consolidating into one tonnage-due, assessed on the vessel, all the various charges previously levied for port and harbor-improvements, light-houses, &c. This decree of 1870 is, however, in conflict with a previous law assessing such dues on the tonnage-weights.

of the cargo, and not on the tonnage-measurement of the vessel, and it becomes necessary, therefore, to give to the new regulation like force as a law, which is the object of the present bill.

Copy and translation of the bill, with its explanatory preamble, are herewith transmitted. You will be duly informed of its passage.

I have, &c.,

A. AUGUSTUS ADEE.

[Inclosure.—Translation.]

*Proposed law approving a decree of Governor-General Malcampo, of November 21, 1876, combining in one the harbor, navigation, and other dues in the Philippines.*

[From the Gaceta de Madrid, May 24, 1877.]

ROYAL DECREE.

In subjection to the decree of the 29th of March last, and in accord with the council of ministers,

I hereby authorize the minister of ultramar to present to the Cortes the project of law consolidating the port and navigation dues in the Philippine Islands.

Given in the Palace, May 18, 1877.

ALFONSO.

The Minister of Ultramar,  
CRISTÓBAL MARTIN DE HERRERA.

*To the Cortes:*

By the sixth article of the decree of the provisional government, dated December 29, 1868, it was commanded that there be consolidated into one single impost, denominated "of discharge," to be paid by the ton of 1,000 kilograms weight of merchandise discharged in the Philippines, all the dues known up to that time as "light-house," "port-clearing," "anchorage," and "carga" dues, and others of the same kind.

Subsequently, by another decree of October 16, 1870, the customs-tariffs of those islands were reformed, and it was established, by the thirteenth article thereof, that the single impost of which the referred-to decree of 1868 treated should be paid according to the tonnage-measurement of the vessels, varying in this way the existing precept that the impost in question should fall upon the tons by weight.

The governor-general of the Philippines, in accordance with the last decree, established on the 1st of November of last year, and counting from the 1st of January of this one, the navigation due of 8 céntimos of a dollar for each ton of measurement of sea-going vessels, and of 2 and 5 céntimos for coasting craft, according as they may measure twenty or more tons.

The council of state, in its section of ultramar, being heard, it reported as more acceptable the resolution provisionally dictated by the governor-general in conformity with the decree of 1870 than that ordered in the decree of 1868; but as the latter has the character of a law, and as it was necessary to put into operation the new impost without delay and in a definitive manner, the King (whom may God guard) deigned to approve the described measure by a royal decree of March 29 last, ordering that the government should render account thereof to the Cortes.

In compliance with the aforesaid royal decree, in accord with the council of ministers and competently authorized by His Majesty, the undersigned minister has the honor to submit to the approval of the Cortes the following

*Project of law.*

SOLE ARTICLE. The resolution of the governor-general of the Philippines concerning the consolidation of port and navigation dues is approved in the terms expressed in the annexed document.

MADRID, May 18, 1877.

The Minister of Ultramar,  
CRISTÓBAL MARTIN DE HERRERA.

MANILA, November 21, 1876.

In conformity with the proposal of the direction-general of hacienda, and with the tenor of the prescriptions of article 13 of the decree of October 19, 1870, and the royal orders of the 5th of March, 1875, and the 18th of March last, I hereby decree the following:

1st. Those imposts which are now paid in the conception of port-clearing, light-



housing, and for the captaincy of the port are consolidated in one single impost denominated "of navigation."

2d. The new impost shall only be exacted in the ports of these islands habilitated for foreign commerce.

3d. The tariff fixing the dues of the "impost of navigation" shall go into effect from the 1st of January of next year, 1877.

4th. There are excepted from the payment of navigation-dues:

(1) All the vessels of the national navy.

(2) Merchant-vessels, as well national as foreign, and foreign war-vessels, which may put into port for enforced cause, whether they shift their cargo to other vessels or land it in order to take it on board again.

(3) National steamers, both belonging to and from without the Archipelago, which perform periodical service in virtue of contracts with the administration, and the steam-vessels which make periodical trips, for a year at least, between different ports of the Archipelago, and between these and those of Spain or foreign parts.

(4) Those vessels which only navigate within the bays and rivers of the declared ports of the islands.

(5) Those vessels which, having satisfied the navigation-due in any one of the declared ports of these islands, may touch or call there again.

Let account hereof be given to the minister of ultramar in the terms agreed upon, and let this expediente be returned to the direccion-general de hacienda, which department shall issue the necessary orders for the fulfillment of this decree.

MALCAMPO.

IMPOST OF NAVIGATION.

*Tariff*: For each ton of measurement.

Seagoing-vessels:

Those of all classes and nationalities ..... \$0 08

Coasting craft:

Those measuring up to 20 tons, inclusive ..... 02

Those measuring from 21 tons upward..... 05

Approved.

MALCAMPO.

A true copy.

MARTIN DE HERRERA.

No. 297.

*Mr. Adee to Mr. Evarts.*

No. 590.]

LEGATION OF THE UNITED STATES,  
*Madrid, June 28, 1877. (Received July 16.)*

SIR: Referring to my dispatches numbered 503 and 507, on the subject of the royal order on judicial procedure, I have the honor to inform you that Mr. Silvela has communicated to me a copy of a note addressed to him by Mr. Cánovas del Castillo, officially advising him that the protocol of January 12, 1877, was transmitted on the 8th of April last by the presidency of the council to the ministries of grace and justice, war, marine, and ultramar.

The minister of ultramar told me some time since that the protocol was immediately communicated by royal order to the governors-general of Cuba, Puerto Rico, and the Philippines.

Translation of the communication of the president of the council to the minister of state is hereto appended.

I have, &c.,

A. AUGUSTUS ADEE.

[Inclosure.—Translation.]

*The president of the council to the minister of state.*

## PRESIDENCY OF THE COUNCIL OF MINISTERS.

EXCELLENCY: For the due effect, I have the honor to inform your excellency that under date of the 8th of April ultimo there was given to the ministers of grace and justice, war, marine, and ultramar literal copy of the protocol signed on the 12th of January last with the representative of the United States, relative to the rules which are to be followed for procedure in cases of *infidencia* charged against citizens of the Union.

By royal order I communicate the foregoing to you for your cognizance and the due effects.

May God guard you many years.

MADRID, June 20, 1877.

A. CÁNOVAS DEL CASTILLO.

To the MINISTER OF STATE.

A true copy.

(Rubricated by Mr. Manuel Silvela.)

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No. 298.

*Mr. Adee to Mr. Everts.*

No. 604.]

LEGATION OF THE UNITED STATES,  
*Madrid, July 18, 1877.* (Received August 2.)

SIR: Referring to my No. 585, of the 22d ultimo, in relation to the endeavor of the Rev. Mr. Cifré to introduce a consignment of Bibles into Spain through the Barcelona custom-house, I have now the honor to forward herewith copies of additional correspondence exchanged with Consul Scheuch on the same subject.

It appearing that my letter of the 22d ultimo to Mr. Scheuch still left uncertainty in his mind, as well as in M. Cifré's, as to the nature and purpose of the requisite "certificate of origin," I deemed it best to consult the chief of the copyright bureau of the ministry of fomento, with a view to obtaining more precise information than I already possessed with respect to that document. I was politely shown the usual documentation in the case of importations of books from France and other European countries, while the *modus operandi* for the introduction of foreign printed matter into Spain was explained in detail.

The substance of the information I obtained will be found in my letter of yesterday's date to Consul Scheuch.

It has seemed to me thoroughly inexpedient to take any original action in favor of the irregular admission of these books without positive instructions from you. The mere circumstance that the volumes in question are Bibles does not seem to me to be of itself sufficient to warrant diplomatic application for their introduction into Spain without compliance with Spanish law; in fact, the undesirableness of bringing a religious issue into a question of custom-house rules is, I think, evident without argument. It is not a point of liberty of worship which is involved, but one of the formalities for the importation of merchandise under the laws of Spain. The legation itself is obliged to conform to certain prescribed requirements when it is desired to introduce private or official effects under a recognized franchise, although not seldom at the cost of time and trouble, and it is not easy to see why private individuals should not be in like manner constrained to follow the regulations in force, however inconvenient they may chance to be, so long as they have precise application to the case in hand.

I have, &c.,

A. AUGUSTUS ADEE.

[Inclosure A in No. 604.]

*Consul Scheuch to Mr. Adee.*

No. 108.]

UNITED STATES CONSULATE,  
*Barcelona, July 7, 1877. (Received July 9, 1877.)*

SIR: I beg to acknowledge herewith the receipt of your dispatches Nos. 93, 94, and 95, the latter dated the 22d ultimo.

The contents of your No. 94, and relating to the consignment of Bibles and Testaments from the American Bible Society to the Baptist mission here, I made known to Mr. Cifré, and the latter gentleman immediately repaired to his custom-house agents with the original "grant" of said books to him by the publishers (the American Bible Society) duly signed by the secretary of the society, requesting them to present it to the administrator and receive the books. This morning Mr. Cifré informed me that the administrator acknowledged to the agents the paper, but refused to pass the books, remarking that he (the administrator) preferred to hear from Mr. Silvela. As I have not addressed the collector since my No. 106 to you, and not knowing whether he will confer with Mr. Silvela, I now inclose to you herewith said paper from the Bible society, which certainly is a "certificate of origin." Mr. Cifré is very anxious to receive the books, and is only too willing to procure any papers necessary to conform with the law, but it seems the administrator has not given any advice to the agents as to the necessary steps to be taken by them. Hoping you will excuse my long communication,

I have, &amp;c.,

FRED. H. SCHEUCH,  
*Consul.*Hon. AUGUSTUS A. ADEE,  
*United States Chargé d'Affaires, Madrid.*

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*The American Bible Society to Mr. R. P. Cifré.*

[William H. Allen, LL. D., president; Rev. Joseph Holdrich, D. D., Rev. Edward W. Gilman, Rev. Alexander McLean, secretaries; Andrew L. Taylor, assistant treasurer; Caleb T. Rowe, general agent.]

AMERICAN BIBLE SOCIETY,  
BIBLE-HOUSE, ASTOR PLACE,  
*New York, March 20, 1877.*

DEAR SIR: I take pleasure in announcing that, on the — of September, 1876, the board of managers granted to the American Baptist Missionary Union, for sale and distribution under your care, subject to the accompanying "regulations," 50 Bibles, 75 Testaments and Psalms, 75 Testaments, 100 Portions, all in Spanish, in all 300 volumes, valued, with boxes, &c., at \$98.35, as per inclosed memorandum.

Praying that the Divine blessing may accompany this gift, and soliciting your earnest co-operation with the society in its important labors to supply the destitute with the word of God,

I remain, very truly, yours,

EDWARD W. GILMAN,  
*Corresponding Secretary.*Rev. RICARDO P. CIFRÉ,  
*Barcelona, Spain.*

[Inclosure C in No. 604.]

*Mr. Adee to Consul Scheuch.*

No. 96.]

LEGATION OF THE UNITED STATES,  
*Madrid, July 17, 1877.*

SIR: In view of your No. 108, in relation to Mr. Cifré's importation of Bibles, I have consulted with the proper official of the ministry of fomento as to the necessary formalities for the introduction of books into Spain when printed abroad in Spanish. The usual course, as I am informed, is as follows: The publishers or printers of the work to be introduced prepare a certificate, setting forth their own right to publish the book and giving a full description of it. This certificate is countersigned by the competent officer (who in the present case would probably be the United States district at-

torney for the southern district of New York), to prove that the publication does not infringe the copyright laws of the country where it is printed. His signature is, in turn, legalized by the Spanish consul of the place. The document, when so completed, is called the "certificate of origin."

The person making the importation next addresses a petition, on stamped paper, to the director-general of public instruction in Madrid, reciting ownership of the books and soliciting permission to introduce them. This petition is accompanied by a detailed note or memorandum of the books, describing them fully, and also by the "certificate of origin," as explained above. On the petition being granted, publication of the fact is made in the *Gaceta*, and, on the lapse of fifteen days thereafter, the books may be entered in the usual way on payment of duties as merchandise.

The requisites above described are explained in the twenty-fifth and twenty-sixth notes of the last edition of the Spanish customs-tariff. There being no special copyright treaty between the United States and Spain, the form prescribed in the treaty with France need not be literally followed, but it is necessary that the "certificate of origin" should express the essential facts and be duly certified.

It is possible that an invoice with full description of each book mentioned therein, properly legalized by the Spanish consul-general in New York, would, under the circumstances, be accepted as a sufficient basis for Mr. Cifré's petition, but the document now sent does not conform with Spanish law. It is merely a letter of advice, wholly unauthenticated, and is, besides, insufficient in its statements and descriptions.

That the books in question are Bibles and parts of Bibles is not a factor in the problem. The formalities would be the same were they arithmetics or novels; and, in either case, whether religious or not, the administrator of customs has clearly no discretionary power to suspend the regulations in their special behalf without the direct sanction of his government. Request for such sanction, so far as this legation is concerned, ought, in my judgment, not to be made, except in virtue of specific instructions to that effect from the Department of State. I have not, consequently, thought proper to address the Spanish Government on the subject in the absence of such instructions, preferring to report the matter to Washington for the information of the Secretary of State, and for such action as he may see fit to order.

The letter from the American Bible Society to Mr. Cifré is herewith returned.

I am, very respectfully, your obedient servant,

A. AUGUSTUS ADEE,

*United States Chargé d'Affaires, ad interim.*

FREDERICK H. SCHEUCH, Esq.,  
*Consul of the United States, Barcelona.*

No. 299.

*Mr. Adee to Mr. Evarts.*

No. 606.]

LEGATION OF THE UNITED STATES,  
*Madrid, July 19, 1877. (Received August 6.)*

SIR: The "dead season" in Madrid is now fairly inaugurated.

On the 11th instant the labors of the *Córtes* were brought to a close by the reading of a royal decree, declaring the session of 1877 terminated. The wording of the decree leaves some doubt as to whether the present *Córtes* can be again convoked during the current year, it being asserted, on the one hand, that, should any urgent contingency require the re-assembling of the deputies of the nation before the 1st of January, it will be necessary to proceed to new elections, while on the other it is maintained that there is nothing in the constitution to prevent the legislature of 1878 from being convened at any time during 1877. The opinion is current, however, that the decree of prorogation is a prelude to a supplementary decree of dissolution, and the announcement of fresh elections.

The past session of the *Córtes* has been more than usually barren of results. Little has been done besides passing the budget of supplies. The time of both houses has not seldom been frittered away in petty debates, born of the factiousness of party opposition. The new copy

right law, the law reforming the penal code, and several others of equal or greater moment, remain unacted upon.

Certain of the bills passed, and report of a recent incident of debate in regard to the Cuban war, will form the subject of separate dispatches.

Immediately on the termination of the legislative sessions, the King, accompanied by several of the ministers, started on his long-projected journey to the northwest of the peninsula. His reception in the cities of Leon and the Asturias is reported to be cordial, if not enthusiastic. His Majesty will return about the 10th of August, passing directly to the summer palace of La Granja, where he will remain until cooler weather.

The minister of state, Mr. Silvela, has quitted Madrid for Spa, in order to recuperate his health, which was seriously impaired by the arduous duties of his office. He is expected to return in the first week of August, when he will go to La Granja to await the King.

The exodus of public functionaries is general. Only two ministers remain in Madrid, with the president of the council, who is making himself generally useful by looking after the working of the several departments almost single-handed. Mr. Martin de Herrera, the minister of ultramar, remains at his post, and is charged, in addition, with the management of the ministry of state.

I have, &c.,

A. AUGUSTUS ADEE.

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No. 300.

*Mr. Adee to Mr. Evarts.*

No. 614.]

LEGATION OF THE UNITED STATES,  
*Madrid, July 22, 1877.* (Received August 6.)

SIR: The Gaceta of the 20th instant published a royal decree authorizing the minister of ultramar to contract, without the formalities of public bids, for the transportation to Cuba of 12,000 soldiers, more or less, in accordance with a recent order of the 6th directing a draft to be made from the new levies for service in that island.

The president of the council has been for some days past in active conference with the ministers of war and ultramar, settling the details of this re-enforcement. The troops are to be taken by the Lopez company's line of steamers. The first detachment is to sail on the 15th of next month, and each mail steamer thereafter will carry a full load of recruits until the intended total is completed. It is understood that 15,000 men will in reality be sent out. The first detachments will be sent immediately on arrival to depots of acclimation, while the latter contingents, arriving as they will at the close of the sickly season, will be prepared to take the field at once. It is announced that the first re-enforcements will probably go to Santiago and Nuevitas, and the last to Havana.

In this connection it seems not out of place to communicate to you a recently-published statement of the forces now in Cuba.

According to official data the army of operations in that island is composed as follows: 16 battalions of infantry, forming eight regiments of the line; 50 battalions of cazadores (chasseurs à pied); 2 battalions

of unmounted artillery; 1 battalion of engineers; 4 battalions of gardes-mobiles; 2 battalions of Havana militia; 1 battalion of freedmen; 3 battalions of disciplined colored militia, and 4 battalions of civil guards. This gives a total of 83 battalions, without counting militia forces employed on garrison duty, rangers (contraguerrillas) and irregular forces.

The strength of the battalions of cazadores is 1,200 men each, and those of the line are 750 strong—giving 72,000 men as the nominal force in those two arms of the service.

Underestimating the numbers of the remaining organized battalions at 600 men each, we have in addition 10,200 regulars and militia. The irregular troops may be roughly estimated at 4,000 more, giving a total of at least 86,200 men. \* \* \*

Public feeling continues hopefully disposed here, and the termination of the war in the coming season of operations is popularly regarded here as a matter of course. General Martinez Campos has not only the advantage of prestige and of the full confidence of the government, but he further enjoys the privilege, withheld from so many of those who have preceded him, of having his calls for men, supplies, and money promptly and generously responded to.

I have, &c.,

A. AUGUSTUS ADEE.

No. 301.

*Mr. Adee to Mr. Evarts.*

No. 616.]

LEGATION OF THE UNITED STATES,  
*Madrid, July 23, 1877.* (Received August 9.)

SIR: I transmit, hereto annexed, copy of the *Gaceta* of the 12th instant, containing the law of estimates and appropriations for the current fiscal year ending June 30, 1878, as finally passed by the *Córtes* and sanctioned by the King. A duplicate copy of the paper will go to you by book-post.

There have been, after all, numerous modifications in the budget since its presentation to the chambers by Mr. García Barzanallana, as reported in my No. 506, of the 29th of April last. The very compactness of the majority on which the government relied for the approval of its measures made it the more advisable to give heed to suggestions emanating from that majority, and a flood of amendments poured in during the long debate on the bill. Hence, the discussion was not concluded until the 10th instant, when a part of the fiscal year comprehended in the project had already elapsed.

Immediately on the passage of the law, the minister of finance, Mr. José García Barzanallana, tendered his resignation, and was transferred to the council of state, his portfolio being conferred upon the Marquis de Orovio.

It does not seem necessary to do more than give a hasty glance at the changes introduced in the budget in its passage through the *Córtes*.

The total receipts are now estimated at 734,360,580 pesetas, and the expenditures at 734,485,458.81 pesetas, showing an estimated deficit of 124,878.81 pesetas.

The stamp-tax on sales of goods is suppressed, and instead thereof the industrial quota of tradesmen and vendors will be increased 15 per cent. (Article 12.)

The impost of *cédulas personales* remains unchanged. (Article 16, formerly 10.)

The provisions affecting imports and exports (articles 28, 29, 30, 31, 32, 33, 34, 35, 36, and 37) are materially changed from the original scheme.

The proposed export-tax on native wines has been abandoned, the opposition thereto having been all but universal. Brandies coming from abroad are to be temporarily sur-taxed 20 pesetas for each hectoliter, petroleum and mineral oils 12.50 pesetas the 100 kilograms, edible oil 8 pesetas the 100 kilograms, palm-oil, cotton-seed oil, and certain others 25 pesetas the 100 kilograms (a prohibitory tax, it may be observed), and last of all foreign coal and coke are to pay a fiscal import duty of 2.50 pesetas per ton.

The customs tariff is to be reformed as provided in the former article 19 of the original bill, and the authorization to impose an export-tax on unmanufactured cork is revoked.

Articles 23 and 24 of the old project are combined into one, as follows:

ARTICLE 35. The government is hereby authorized to impose an additional tax on import-duties and on those of navigation for the products, vessels, and exports of those countries which may in any way especially prejudice our vessels and our commerce, and also to withhold the application of the reductions of duties which may result from the reform of the customs tariffs from all save the products and exports of the nations which concede to Spain the treatment of the most favored nation.

(The revised tariff has now been published, and will form the subject of another dispatch.)

I translate also the following:

ARTICLE 36. The government is likewise empowered to impose an additional charge upon the import-duties of American and Asiatic products coming directly from foreign depots in Europe.

ARTICLE 37. The modifications which, in virtue of the twenty-eighth and following articles, may be introduced in the imports now in force, shall not be applied to merchandise and vessels duly shown to have left the ports of departure before the promulgation of this law.

ARTICLE 38. The minister of state is authorized, in concert with the minister of hacienda, to revise the consular tariffs, with the object of increasing the revenues of the state without grave prejudices to commerce and navigation.

I venture to commend to your especial attention and study these several provisions affecting the foreign commerce of Spain.

The remaining articles of the law, Nos. 39 to 75, are of a municipal or domestic character, their chief interest lying in the ingenuity which finds room for the imposition of additional taxation on products and industries which seemed already burdened to the utmost.

I have, &c.,

A. AUGUSTUS ADEE.

No. 302.

*Mr. Adee to Mr. Evarts.*

No. 618.]

LEGATION OF THE UNITED STATES,  
*Madrid, July 23, 1877.* (Received August 9.)

SIR: On pages 213-214 of the *Gaceta* of yesterday's date, which accompanies my No. 617, will be found a royal order of hacienda, dated the 20th instant, as follows:

EXCELLENCY: In view of the expediente, instituted with respect to whether it is or is not advisable to make use of the authorization conceded to the government by the

thirty-sixth article of the present law of estimates, for the imposition of an additional charge upon the import duties of products of America and Asia which may come hither from foreign depots (bonded stores?) in Europe;

Considering that the idea of this authorization does not involve any tendency in favor of the interests of the treasury;

Considering that the principal products of foreign America already come, for the most part, directly to the peninsula from the producing countries, without the necessity of differential duties, and by reason of the natural benefit which inures to commerce by shipping them at the points of production;

And considering that, from the moment when foreign vessels can, in consequence of the suppression of the discriminating duty of the flag, trade directly with the same advantage as may be established for Spanish ships, a free competition remains open to the shipping of all countries, those obtaining the carrying trade which offer the best conditions therefor, and without our merchant vessels deriving any special and concrete benefit from differential duties affecting the ports of departure:

His Majesty the King (whom may God guard), in conformity with what your excellency proposes, and with the report of the consultative junta of tariffs and valuations, has been pleased to decide that no use be made of the authorization conceded to the government by the thirty-sixth article of the existing law of estimates.

By royal order, I say this to your excellency for your cognizance and the consequent effects.

May God guard your excellency many years.

MADRID, July 20, 1877.

OROVIO.

To the DIRECTOR-GENERAL OF CUSTOMS.

As the foregoing royal order clearly shows the inefficacy and needlessness of the authorization granted by the thirty-sixth article of the budget, and as the reports and inquiries upon which the order is founded have been pending for some time past, one is tempted to inquire what object was to be subserved by including such a provision in a solemn law, only to show its unwisdom by formally renouncing the right a few days after the law has been sanctioned and promulgated. Be this as it may, the present measure shows a healthy desire to avoid needless interference with the foreign trade.

I have, &c.,

A. AUGUSTUS ADEE.

No. 303.

*Mr. Adee to Mr. Evarts.*

No. 625.]

LEGATION OF THE UNITED STATES,  
*Madrid, July 26, 1877. (Received August 9.)*

SIR: Your instruction No. 559, in relation to the question of the office-hours of the United States consulate at Malaga, being called forth by a specific inquiry upon the part of Messrs. W. C. Bevan & Co., of that place, seemed to me to require some communication to these gentlemen of the views of the Department in the matter.

There is something to be said on both sides of the question. While it is undoubtedly most desirable that everything which is reasonably practicable should be conceded to shippers, in the interest of the growing trade between Malaga and the United States, yet it is not to be overlooked that the exigencies of the merchants of that port might, if fully acceded to, impose a heavy burden on the consulate. It is not merely a question of the brief extension of the working-hours of the consul beyond the usual limits. The ocean-going steamers in the American trade generally touch at Malaga for a single day only, and if there is much cargo awaiting shipment their departure takes place late at night on a favorable tide, operations of lading continuing until long



past midnight in many instances. Even under the present arrangement the time of the consul between the usual hour of closing and the departure of the steamer is fully occupied with the necessary business of advising the collector of the port of destination and filling up the accompanying papers, and it is easy to see the additional strain which would be entailed upon the consul if it should come to be understood among shippers that they have only their own convenience to consult in leaving the authentication of their invoices to be performed at the last moment.

In communicating to Messrs. Bevan & Co. the opinion of the Department, it has seemed to me to be advisable, therefore, to leave the utmost possible latitude of decision in favor of the consul, which I have endeavored to do, as will be seen from the annexed copy of my letter. I venture, in conclusion, to suggest the expediency of a specific instruction to Consul Quarles, in termination of this incident, to the effect that a brief but fixed extension of office-hours be allowed upon steamer-days, and that, those hours being past, no further public business shall be transacted, except in the special case of the revision of an invoice before departure of the vessel, should it appear that goods already duly invoiced are unavoidably crowded out by want of stowage-room. To prevent abuse of this privilege, an extra fee might be fixed for the service.

I have, &c.,

A. AUGUSTUS ADEE.

[Inclosure.]

*Mr. Adee to Messrs. W. C. Bevan & Co.*

LEGATION OF THE UNITED STATES,  
*Madrid, July 24, 1877.*

SIR: Referring to my letter to you of the 1st ultimo, I have now the honor to inform you that I have received the expected instructions of the honorable Secretary of State concerning the subject-matter of your letter to me of the 28th of May last.

The Department of State is disposed to regard your inquiry as more or less directly bearing upon the question of the hours during which the consulate is to be kept open for the transaction of business; and it has, therefore, been deemed advisable to bring the matter to the attention of Mr. John F. Quarles, the newly-appointed consul of the United States at Malaga, prior to his departure for his post, in order that he may be guided by the views of the Department in the premises. Mr. Quarles has accordingly been instructed that he is to conform to the seventy-second paragraph of the consular regulations, and keep open the consulate daily during the usual business hours observed at Malaga; but, should it be especially necessary, during the vintage or busy season, for the convenience of business or the interest of commerce, to occasionally extend the office-hours of the consulate the Department is of the opinion that it should be done, even to the inconvenience of the consul.

Mr. Quarles will, however, be expected to investigate the point for himself on reaching his post, and to acquaint himself with the usages and customs prevailing at Malaga with regard to the hours of consular business; and the Department prefers not to give him any definite instructions on the subject in advance. The matter will be left to his discretion, in the belief that he will be enabled to judge correctly how far it may be desirable to accommodate the merchants who export goods to the United States, and that he will decide the question to the satisfaction of those who have official business transactions with him as well as to that of the Department.

I am, &c.,

A. AUGUSTUS ADEE,  
*United States Chargé d'Affaires.*

Messrs. W. C. BEVAN & Co., *Malaga.*

No. 304.

*Mr. Lowell to Mr. Evarts.*

No. 15.]

LEGATION OF THE UNITED STATES,  
*Madrid, October 12, 1877. (Received November 7.)*

SIR: I have the honor to report that for several days before the reception of Mr. Seward's telegram of 26th the legation had been preparing its statement of the account of claims and interests payable on the 28th September, being the second and final payment of the awards passed upon by the mixed commission sitting at Washington, up to and including the 24th March last. The telegram reached me at nine o'clock on the evening of the 26th, and the next morning (as I had before intended) I addressed a note, a copy of which is subjoined, to the minister of state, inclosing our statement and asking for an interview for the 28th. The same day I received an answer from Mr. Silvela, informing me that owing to the occupation of the ministry with the return of the royal family on the next morning to Madrid, he should be unable to meet me until between two and three o'clock on the afternoon of Saturday, the 29th. I kept the messenger waiting while I wrote an answer accepting the appointment and expressing my satisfaction that His Catholic Majesty's government would be ready to conclude the affair on that day.

I accordingly waited on Mr. Silvela at the hour fixed upon, and as I had already informed him of my object in asking an interview for the 28th, I preferred, as a matter of politeness, to speak of other topics first, leaving it for him to broach the matter of the indemnity, which he accordingly soon did.

\* \* \* \* \*

He said that as our statement would need to be verified by their own accountants and the money arranged for, he hoped I should be satisfied if I received the money within a week. As my instructions were to follow the precedent set me by Mr. Cushing (and none could be better), and as that gentleman had waited twelve days, I consented, at the same time saying that, as I was acting on my own responsibility, and my government would naturally expect to hear from me at once, I trusted that I could depend upon being paid within the period for which Mr. Silvela had asked. On Friday evening, 5th October, at eight o'clock, I received a private note from Mr. Silvela, asking me to meet him on the next day, at 2 p. m., in order to see the minister of ultramar (to whose department, as relating to Cuba, the matter belonged), and "to arrange the business of the payment," &c. I at once answered by the same messenger that I would wait upon him at the ministry at the time appointed, adding that I was very glad of this exactness on their part, because, trusting in the perfect faith of His Catholic Majesty's Government, I had already telegraphed to Washington that the money would be paid within the week. Next day I met Mr. Silvela at the hour appointed, and went with him to the minister of ultramar, who asked to have the final settlement postponed until Monday. He asked this as a favor, on account of unforeseen circumstances, and, as I felt every confidence in their intention to pay, I consented, but took occasion to inform Mr. Silvela that I had received a telegram from my government on the subject.

On Monday, at three o'clock, by appointment, I went to the ministry of ultramar, when I received payment, as promised, in a draft on London at fifteen days' sight (as in the case of the former half of the indem-

nity) for the sum of £106,768 5s. 1d., which sum included the interest on such of the awards as bore interest up to the date of payment, viz, 8th October, 1877.

I subjoin for your further information a copy of our statement of the amount due on the 28th of September, as also of the one showing the amount of interest from the 28th September to the 7th October, both inclusive.

\* \* \* \* \*

I sent a special messenger to London at four o'clock on Tuesday afternoon, that being the first train leaving after receiving the draft. Last evening I received a telegram from him announcing his safe arrival, and to-day I have received one from Messrs. Morton, Rose & Co. acknowledging receipt of the draft.

I beg to add (in my interview with Mr. Silvela) he seemed to think that the promptitude with which Spain had paid the awards of the mixed commission entitled her to some consideration from the Government of the United States, and expressed a hope that future claims should be severely scrutinized, as he feared that the ready payment of those already passed upon might encourage claimants with less substantial titles or even tend to create them. He spoke with much emotion of the difficulties under which his country labored, and of the efforts she was making to extricate herself, hoping that our own government would be generous under the circumstances, and that the American member of the commission would in all doubtful cases strengthen the hands of his Spanish colleague. He told me that he wished I would communicate to my government the substance of what he had urged, and I promised to do so. Mr. Cushing, I am sure, will agree with me in believing that Spain is sincerely anxious to maintain her friendly relations with the United States, and willing to do all she can to satisfy all our claims against her.

A copy and translation of the receipt which I gave, together with a copy of my note to Mr. Silvela, acknowledging the reception of the draft, are also transmitted herewith. \* \* \* \*

I trust that my action in the matter may meet with your approval.

I have, &c.,

J. R. LOWELL.

[Inclosure A in No. 15.]

LEGATION OF THE UNITED STATES,  
*Madrid, September 27, 1877.*

EXCELLENCY: In accordance with the precedent of my predecessor, Mr. Cushing, I have the honor to inclose a statement of the second moiety of the sums awarded to citizens of the United States by the mixed commission sitting at Washington, and payable on the 28th of the present month, under the agreement arrived at by our respective governments on the 8th of March last. The award to Theodore Cabjas (No. 10) having been made no longer ago than 24th March last, was, of course, not included in the statement of Mr. Cushing, and that of Gonzalo Poey (No. 66) was, on further consideration by the commission, increased by the amount of a little more than two thousand dollars. This fact being brought to the attention of your excellency, it was agreed to include the whole amount of the two awards in this payment. The interest, as your excellency will see, is calculated from the 17th March last, that being the date up to which it was paid on the 28th of the same month.

I should be greatly obliged if your excellency would appoint an hour to-morrow in which I could have the pleasure of a few moments' interview, in order to conclude an affair the prompt settlement of which has been so honorable to His Catholic Majesty's government and so acceptable to that of the United States.

I gladly avail myself of this occasion to renew to your excellency the assurance of my most distinguished consideration.

J. R. LOWELL.

Calculated statement of capitals and interests due on the 28th of September, 1877, from the Government of Spain (in conformity with agreement) on the awards made in favor of citizens of the United States by the mixed commission sitting in Washington, up to and including the 24th of March, 1877.

SPAIN.

Number of claim.	Name of claimant.	Date of award.	Amount of award.	Terms of interest.	Time of interest.			Unpaid remainder of	Interest on remainder of award.	Interest from March 16 to March 28 (11 days) on first payment.	Total amount due September 28, 1877, with interest included.	Equivalent in pounds sterling at \$4.86, 65.
					Years.	Months.	Days.					
1	Henry Story.....	Jan. 4, 1874	\$1,200 00	No interest.	7	.....	.....	\$600 00	.....	.....	\$600 00	123 5 10
4	Peter Molere.....	Nov. 2, 1875	3,000 00	6 per cent., September 1, 1870, to payment.	.....	27	.....	1,500 00	\$636 65	\$2 71	2,139 36	439 12 3
5	James M. Edwards.....	Dec. 20, 1875	5,000 00	No interest.	8	.....	.....	2,500 00	.....	.....	2,500 00	513 14 4
10	Theodore Cabias*.....	Mar. 24, 1877	3,000 00	6 per cent., January 15, 1869, to payment.	8	8	.....	3,000 00	1,566 41	.....	4,566 41	938 6 10
13	Joaquin G. de Angarica.....	Nov. 2, 1875	748,180 00	6 per cent., November 1, 1875, to payment.	1	10	27	374,090 00	42,810 24	676 43	417,576 67	85,806 7 4
14	Gideon Lowe & Co.....	Dec. 12, 1874	175 00	6 per cent., January 5, 1869, to December 12, 1874.	5	11	2	87 50	31 10	.....	118 60	24 7 5
23	José Vicente Brito.....	Nov. 14, 1874	600 00	6 per cent., February 12, 1869, to November 14, 1874.	5	9	2	300 00	103 60	.....	403 60	82 18 8
31	Joaquin de Delgado.....	Feb. 27, 1875	133,360 00	6 per cent., May 5, 1869, to February 24, 1875.	5	9	19	56,680 00	26,308 84	.....	88,988 84	17,053 1 8
41	José de Jesus H. y Macias.....	June 26, 1875	3,000 00	No interest.	.....	.....	.....	1,500 00	.....	.....	1,500 00	308 4 7
66	Gonzalo Poyt.....	Mar. 24, 1877	2,585 60	6 per cent., March 8, 1876, to payment.	1	6	19	2,387 15½	240 76	.....	2,627 91½	540 0 0
87	Joseph Griffen.....	Apr. 10, 1875	500 00	No interest.	.....	.....	.....	250 00	.....	.....	250 00	751 7 5
108	Charles J'emot.....	Apr. 8, 1876	5,000 00	6 per cent., December 4, 1869, to payment.	7	9	24	2,500 00	1,172 36	4 51	3,676 87	55 11 0
			885,600 00					445,394 65½	72,869 96	683 65	518,948 26½	106,636, 17, 4

\* No. 10.—New award, and not included in first payment; consequently interest is calculated on whole amount up to and including 27th September, 1877.  
 † No. 66.—New award; interest has been calculated on whole amount up to and including 27th September, 1877, but amount paid (\$198,443) 28th March, 1877, on old award has been deducted.

[Inclosure C in No. 15.]

*Calculated statement of interests due from the Government of Spain (from the 28th day of September to the 7th day of October, 1877, both inclusive) on such of the awards made in favor of citizens of the United States by the mixed commission, sitting in Washington, as bear interest up to the date of payment.*

Number of claim.	Name of claimant.	Date of award.	Amount on which interest is calculated.	Terms of interest.	Time of interest.	Amount of interest.	Equivalent in pounds sterling at \$4.86.65.
4	Peter Moliere.....	Nov. 2, 1875	\$1,500 00	6 per cent., September 1, 1870, to payment.	Days, 10	\$2 46	£ 0 10 14
10	Theodore Cabias *.....	Mar. 24, 1877	3,000 00	6 per cent., January 13, 1869, to payment.	10	4 93	1 0 38
13	Joaquin G. de Angarica.....	Nov. 2, 1875	374,000 00	6 per cent., November 1, 1873, to payment.	10	614 94	136 7 31
66	Gonzalo Foey †.....	Mar. 24, 1877	2,387 16	6 per cent., March 8, 1876, to payment.	10	3 92	0 16 14
108	Charles Jemot.....	Apr. 8, 1876	2,400 00	6 per cent., December 4, 1869, to payment.	10	4 10	0 16 10½
			383,477 16			630 35	129 10 84

\* No. 10.—New award; interest calculated on whole amount.

† No. 66.—New award; interest calculated on \$2,387.16; the sum of \$198,444, paid on old award, having been deducted from amount (\$2,585.60) of new award.

[Inclosure E in No. 15.—Translation.]

As the representative of the United States near the Government of His Catholic Majesty, I declare that I have received on this date the sum of one hundred and six thousand seven hundred and sixty-eight pounds sterling five shillings one penny, in a draft on London, at fifteen days' sight, to the charge of the London Banking Association, of this date, acknowledging myself satisfied, in the name of my nation, by the second installment of the indemnification declared up to the present day by the arbiters, including the interests of all the credit included in the foregoing balance due as therein expressed up to this day.

MADRID, 8th October, one thousand eight hundred and seventy-seven.

J. R. LOWELL.

[Inclosure F in No. 15.]

LEGATION OF THE UNITED STATES,  
*Madrid, October 10, 1877.*

EXCELLENCY: I cannot allow my dispatches announcing the payment of the second half of the indemnity to go home without at the same time expressing to you, and through you to the Government of His Catholic Majesty, my very great satisfaction at this renewed proof of the sincere desire of Spain not only to fulfill all her obligations toward the United States, even when it might seem most difficult to do so, but to put out of the way every obstacle to cordial understanding, and every motive of suspicion and ill-will. Of such obstacles and such motives none could be of a more irritating nature than those assumptions of irresponsible power on the part of subordinate officers far from the controlling oversight of the imperial government, only too natural in troubled times, and whose threatening consequence, thanks to the considerate policy and cordial good faith of the government over whose foreign relations your excellency so worthily presides, are now in course of friendly and honorable settlement without leaving behind them any seed of bitterness in the wounded pride of one nation or in the unsatisfied rights of the other.

That such complications should have arisen was only to have been expected under the circumstances, but that Spain, which in the mean while was undergoing two changes of dynasty, and had upon her hands two civil wars in opposite quarters of the globe, should have been willing and able to fulfill her international obligations with such fidelity and promptitude is a fact which I am sure I am warranted in saying the President will appreciate as it deserves.

Let me express the hope that in the few cases of like nature which still remain under discussion, the Government of His Catholic Majesty will complete what it has so happily begun, and that the last question at issue between two nations which have a common interest in peace and the development of their commercial relations with each other, may be arranged, as these others have been, to the satisfaction and advantage of both.

I gladly avail myself of this occasion to renew to your excellency the assurance of my most distinguished consideration.

J. R. LOWELL.

CORRESPONDENCE BETWEEN THE DEPARTMENT OF  
STATE AND THE SPANISH LEGATION.

No. 305.

*Mr. Mantilla to Mr. Seward.*

[Translation.]

LEGATION OF SPAIN,  
*Washington, August 4, 1877. (Received August 6.)*

The undersigned, envoy extraordinary and minister plenipotentiary of His Catholic Majesty, has the honor to address the honorable Acting Secretary of State, F. W. Seward, in regard to what happened to the

American whaling-vessels *Ellen Rizpah* and *Rising Sun* on the southern coast of the island of Cuba in the middle of May last.

As soon as the Government of His Catholic Majesty had knowledge, through the medium of its representatives at Washington, of what was related by the press of this country with respect to the former of these vessels, haste was made to order him to give assurances to the Government of the United States that if, on careful investigation of the occurrences, it should result that there was committed on the *Ellen Rizpah* any unusual restriction of the international law, there would be no delay in explanations appropriate to the dignity of the two nations, a duty which the undersigned fulfilled on the 12th of June last in a confidential manner, owing to the occurrences not being well understood and there not being yet in the Department of State the information necessary to a thorough discussion of the question, reserving to himself to enter into this in a more solemn manner when such information should be obtained by one or the other party, and the occurrences could be appreciated with exactitude.

Meanwhile the press has spoken of a new incident which has taken place, also on the southern shores of Cuba, with respect to the American whaling-vessel *Rising Sun*, and the undersigned has received some information which, although not sufficient to enable a final judgment to be formed in regard to the two affairs, permits him, at least, to assert that they have not the importance which, under the influence of first impressions, it was endeavored to give to them, at the same time to demonstrate the good will and firm decision with which the Government of Spain is disposed to satisfy the complaints which in regard to this matter the United States may feel like making, even before they are formulated, and to prevent hereafter any cause for similar ones arising from the same causes. Although between the publicity given to the affair of the fishing-vessel *Ellen Rizpah*, and that given to the affair of the fishing-vessel *Rising Sun*, there intervened time enough, and the length of this interval may have caused the newspaper press to believe, it being easy in all countries to be excited to impulses of patriotism, that on the part of the war-navy of Spain there existed a purpose to molest the American merchant-vessels found on the coast of Cuba, the undersigned can asseverate that the first affair happened on the 15th of May last, and the second on the 22d of the same month, and that in both the perpetrator was not a war-vessel of the Spanish navy, properly so called, but a small auxiliary vessel of one of the gun-boats that watch said coast, the skiff *Veloz*, a vessel of light draught, expressly intended to have custody of the keys, in which, owing to their shoal depth, the gun-boats cannot penetrate without danger, and which vessel, on account of its small importance and the especial service that it has to perform, is under the command of a cockswain.

One of those keys, called the "Twelve Leagues," owing to its great extent, is the point at which the filibusters who leave the neighboring island of Jamaica in small vessels with commodities of war for the coast of Cuba, are in the habit of taking refuge when bad weather is experienced in crossing, or where they deposit those commodities until they have an opportunity to convey them to their destination; and in one of the anchoring grounds of that key, always watched by the smaller auxiliary vessels of the Spanish navy, in the anchoring ground of *Cachiboca*, was exactly where, on the 15th of May, fleeing from the storm that prevailed, the American whaling-vessel *Ellen Rizpah* took refuge. Through such circumstances, and through these shores not being a place for the catching of whales, that vessel was naturally sus-

pected by the cockswain of the skiff Veloz who was at Cachiboca, and he sent for a vessel of war to examine her. As soon as the nearest naval authorities had knowledge of the affair, they ordered the gunboat Guardian, of which the skiff Veloz is the auxiliary, to sail immediately in search of the fishing-vessel Ellen Rizpah, while the gunboat Marinero was sent to reconnoiter the keys near to Cachiboca to see if the suspected American vessel had landed thereon commodities of war for the enemy, the commanders of both vessels bearing instructions to repair immediately any error that might have been committed by the master of the Veloz. The gunboat Marinero was the first to reach Cachiboca, but did not find there the skiff Veloz nor the fishing-vessel Ellen Rizpah, which, as the storm had increased, and in order that both vessels might escape a common danger, had taken refuge in another anchoring-ground near by, which was more safe, called Caballones, where they remained together two or three days. There the Marinero went to meet them, and did in fact meet them, and her commander, after examining the papers and the hold of the Ellen Rizpah in the most courteous manner, and with the consent of the master of this vessel, allowed her to continue her voyage, not without said master appearing to admit by his affable demonstrations that the master of the Veloz had rendered him a service by accompanying his vessel to a safe anchoring-ground during such a severe storm in seas which to him and to the crew of the Ellen Rizpah were unknown, and sown with rocks, where the anchoring-grounds are very scarce and of little depth, and to take, one needs much precaution and the directions of a pilot, the only method of passing the breakers which there is at the reef of stone that surrounds the key of Twelve Leagues.

In the neighborhood of that key there was also found, seven days afterward, on the 22d of May, by the same skiff Veloz, the vessel, also an American and a whaler, which proved to be the Rising Sun, seen on the coast, with two canoes in the water, and at less than half a mile from them. Said canoes were requested to display their flag, which they did not do. Then, according to maritime usage, a cannon-shot without ball was fired, but they also disregarded this intimation, whereupon it was necessary to fire at them another with ball, although high up, and only by way of caution. At this new intimation one of the canoes hoisted the American flag, and the other proceeded toward the Rising Sun. The weather was rough, for which reason the canoe that was stopped was advised of the danger which they and the other two vessels at those keys were running, and the pilot in the canoe that was stopped was invited to pass on board the Veloz in order that together they might seek a safe refuge. To it said vessels proceeded, when the gunboat Yumuri arrived. She examined the fishing-vessel Rising Sun, and finding her papers regular, and that in fact she had on board several casks filled with whales' blubber, she allowed her to continue her fishing, but warned her master not to approach the keys, as it was a dangerous place and caused shipwrecks.

This is the history of the occurrences in relation to the two vessels as it has reached the knowledge of the undersigned. From this it results that, if on account of the two vessels being found in places frequented by the small vessels that are engaged in carrying contraband of war on the coast of the island of Cuba, one at anchor in a Spanish anchoring-ground, and the other within the maritime jurisdiction of Spain, they appeared suspicious to the master of the Veloz, and that, although detained, the Ellen Rizpah was accompanied by that skiff to a safer anchoring-ground, and the Rising Sun was removed from the danger she ran at the



keys during the storm, and that as soon as they were found by the gunboats *Marinero* and *Yumuri*, their commanders, who are officers of the navy, and as such are versed in international law, hastened to comply with the requirements of this law by letting the *Ellen Rizpah* and the *Rising Sun* continue their voyage or fishing, and thus repairing any error that through a misunderstanding or an excess of zeal might have been committed by the master of the *Veloz*, who, as has been said, is only a subaltern auxiliary of the Spanish war navy, without any other rank than that of a *patron práctico*, equivalent to that of a cockswain in the Navy of the United States, the responsibility of his voluntary acts, even admitting that they were erroneous, and that the error has been well proven, could not in justice extend to the Spanish war navy, nor to the authorities of Cuba, nor to the Government of Spain, whose friendly sentiments toward the United States and whose respect for the flag of the Union need not be enhanced by the undersigned.

In proof of the spontaneity and sincerity of those sentiments, the undersigned takes pleasure in stating to the honorable Acting Secretary of State that as soon as the government of His Catholic Majesty had by telegraph information of the affair of the *Rising Sun*, although the circumstances of this occurrence were yet less known than those of that relating to the *Ellen Rizpah*, it hastened to order, also by telegraph, the governor-general of the island of Cuba to again urge on the general commander of the station the strict fulfillment of the treaty of 1795; that said governor-general issued the proper orders to this effect, under date of the 19th of July last; and that the aforesaid government of His Catholic Majesty directs me to give to that of the United States the assurance that hereafter will be strictly observed, even by the smallest auxiliary vessels of the war navy of the station of Cuba, toward the suspicious vessels that may be found along its coast and within Spanish maritime jurisdiction, when those vessels prove to be American, what is stipulated in the last part of article 18 of the treaty of 1795, as it has always been its intention and wish that it should be observed.

The undersigned trusts that, in this anticipation of explanations that have not been asked, and of acts that have not been demanded, the Government of the United States will see not only an evidence of the fidelity with which the government of His Catholic Majesty intends to fulfill the treaties with this country, but a new proof of the desire which animates it to maintain and draw closer the friendly relations which join them to each other; and he avails himself of this opportunity to reiterate to the Hon. F. W. Seward the assurances of his most distinguished consideration.

ANTONIO MANTILLA.

No. 306.

*Mr. Seward to Mr. Mantilla.*

DEPARTMENT OF STATE,  
Washington, August 10, 1877.

The undersigned, Acting Secretary of State, has the honor to acknowledge the receipt of the note of Señor Don Antonio Mantilla, envoy extraordinary and minister plenipotentiary of Spain, in regard to the American whaling-vessels *Ellen Rizpah* and *Rising Sun*. The undersigned notes with gratification the statement of Mr. Mantilla that the "Gov-

ernment of Spain is disposed to satisfy the complaints which, in regard to this matter, the United States may feel like making, even before they are formulated, and to prevent any cause for similar ones arising from the same causes."

The narrative of the incidents of the visitation and examination of these vessels by the master of the skiff *Veloz*, as they have been presented to the knowledge of the Spanish Government, has been read and carefully considered. It differs in some details from the accounts which have reached the Department of State.

In the explanation thus given by the minister of Spain, the *Veloz* is described as a small boat or skiff, auxiliary to one of the gunboats that watch the southern coast of Cuba, and her master is referred to as a "subaltern auxiliary" of the Spanish navy, whose rank is equivalent to that of a cockswain in the Navy of the United States, and whose errors were committed through misunderstanding or excess of zeal. It is understood, therefore, that Mr. Mantilla disavows the proceedings complained of as not having been adopted pursuant to any orders of the Spanish navy, or of the authorities of Cuba, or of the Government of Spain.

In the absence of detailed and precise statements of the damage or injury sustained by the *Ellen Rizpah* and the *Rising Sun*, their crews or their owners, the Government of the United States reserves for the present the question of the amount of claims for such damages, or the expression of any opinion in regard to them. Meanwhile, however, the undersigned does not hesitate to express his gratification in receiving the assurance of Señor Mantilla that as soon as the government of His Catholic Majesty had received by telegraph information of the affair of the *Rising Sun*, as well as of the *Ellen Rizpah*, it hastened to order by telegraph the governor-general of the island of Cuba to again charge upon the general commander of the station strict fulfillment of the treaty of 1795, and that the said governor-general issued the proper orders to this effect, under date of the 19th of July last. The Government of the United States also received with especial satisfaction the assurances of the Government of Spain that hereafter the stipulations of article 18 of the treaty of 1795 shall be strictly observed, even by the smallest vessels of the Spanish navy in the vicinity of Cuba, toward American vessels that may be found along its coasts and within Spanish maritime jurisdiction.

Cordially sharing in the desire to maintain the friendly relations between the two governments, the undersigned avails himself of this occasion to offer to Señor Mantilla a renewed assurance of his high consideration.

F. W. SEWARD.

No. 307.

*Mr. Mantilla to Mr. Evarts.*

LEGATION OF SPAIN,  
Newport, September 6, 1877. (Received September 10.)

SIR: I beg you will excuse me if I intrude upon your valuable time in order to say something regarding the American whaling-vessel *Edward Lee*, of Newburyport, whose master, Mr. Atkins, has written to his mother that about the middle of March he was fired upon with shell, grapeshot, and canister by a vessel, apparently Spanish, near the

southern coast of Cuba, from which war-vessel he escaped by fast sailing. His letter, as I understand, has been transmitted to the State Department.

When I first read this report in the newspapers I telegraphed, in order to prevent any misunderstanding, to the governor-general of Cuba, requesting him to ascertain what truth there may be in the narrative of the incident referred to by Captain Atkins. The governor-general has answered me by cable that, after making diligent inquiry, the conclusion was reached that no American ship was fired upon at or near the coast of Cuba by any war-vessel of Spain.

You are well aware, sir, of one of the old rules of international law, to the effect that, in case a vessel hailed by a man-of-war—whether it be on the high seas in time of war, or within the maritime jurisdiction of any power in time of peace—refuse to show her flag after being required to do so, the war-vessel, having sent a blank shot by way of caution, and after that failing to produce the required answer, may proceed to fire upon such vessel with ball, and employ other force against her, provided the limits of necessity be not exceeded; and only in case there be some excess committed at this point has the injured party any right to claim damages.

It appears, even from the narrative of the master of the *Edward Lee*, published in the newspapers, that the latter fled without showing her flag, refusing to stop upon demand of the alleged Spanish war-vessel, which is said to have fired upon her. If such a war-vessel did fire, it was very improbable that her first shot was other than a blank one, although, even if the fact were established that the *Edward Lee* was fired upon by a war-ship of Spain—of which at present there is no evidence—yet it would be necessary to inquire whether the former refused to show the American flag, and whether she was fired upon in the manner stated by her captain, or with ball only.

In order to still further ascertain what foundation there might be for the above-mentioned report, I have requested the governor-general of Cuba that he open another investigation, keeping in mind that the master of the *Edward Lee* had said that the alleged incident occurred in the middle of March, and lately my government authorized me to give assurances to the Government of the United States to the effect that it will make a thorough inquiry into the above-mentioned incident; and if it had taken place it will further inquire whether any violation of international law was committed.

As the alleged occurrence of the *Edward Lee* is said to be two months anterior to that of the *Ellen Rizpah* and the *Rising Sun*, it should, in case such violation of international law be shown, receive the same mutual friendly consideration as the question of the two last-named vessels.

Your obedient servant,

ANTONIO MANTILLA.

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No. 308.

*Mr. Evarts to Mr. Mantilla.*

DEPARTMENT OF STATE,  
Washington, September 13, 1877.

SIR: I have the honor to acknowledge the receipt of your note of the 6th instant, in regard to the alleged attack made upon the American

vessel Edward Lee, of Newburyport, Mass., by a Spanish war vessel in Cuban waters, and informing me that you are authorized by your government to assure that of the United States that a thorough investigation will be made into the facts of the case.

The Department shares in the hope expressed by you that the reported occurrence may not have taken place. Such an occurrence would necessarily be regarded with grave solicitude and regret. It is a source of gratification, however, to receive the assurance that the Government of Spain proposes to make a thorough inquiry into the facts of the case. Similar inquiry will be made by the Government of the United States, with a view to ascertain what course of action it is proper to adopt.

Accept, sir, a renewed assurance of my high consideration.

WM. M. EVARTS.

## SWEDEN AND NORWAY.

No. 309.

*Mr. Andrews to Mr. Fish.*

No. 359.]

LEGATION OF THE UNITED STATES,  
*Stockholm, October 20, 1876.* (Received November 13.)

SIR: In my No. 336 on pauperism, I stated that full and correct returns of pauperism in Sweden might be expected at a subsequent date. Such returns for the year 1874 are now going through the press, and from some advance sheets which have been kindly loaned to me by Dr. Berg, chief of the bureau of statistics, I am able to give the following summary as a supplement to my said number 336:

I. In country districts with a population of 3,734,787: Number of pauper districts, 2,376, and of sub-districts, 645; poor-houses, 1,888, with room for 20,634 persons; number of persons receiving direct support, 116,270, of whom 26,233 were under fifteen years of age; number of children receiving indirect support, 32,600, making in all receiving support, 148,870. The number of persons receiving full support was 29,372, with whom belonged 1,880 children. The mortality of adults was 5,514, of children 186.

II. In the cities, there being ninety-five, with an aggregate population of 606,772: Number of poor-houses, 122, with room for 8,498 persons; number of persons receiving direct support, 29,760, of whom 7,686 were under fifteen years of age; number of children receiving indirect support, 10,363; total receiving support, 40,123. The number of persons receiving full support was 7,592, with whom belonged 186 children. The mortality of adults was 1,908, of children 105.

III. From the foregoing it appears that for the whole of Sweden, with a population of 4,341,559, there were 188,993 persons, or 4.3 per cent. of the population, who, in 1874, received part or full support from the public.

I have, &c.,

C. C. ANDREWS.

No. 310.

*Mr. Andrews to Mr. Fish.*

7 RUE L'ÉVÉCHÉ,  
Geneva, December 6, 1876. (Received December 26.)

DEAR SIR: Referring to my No. 368, I now beg, informally (for being absent from my post on leave, I am in doubt whether I should number this communication), to hand you herewith the answers which I have to-day received from the department of ecclesiastical affairs and public instruction of Norway to questions which I submitted on the civil service.

I have carefully read the answers, and they seem to me to contain interesting and valuable information. The Norwegian Government is certainly entitled to many thanks for being at the pains to furnish the answers in English.

I am, &amp;c.

C. C. ANDREWS.

[Inclosure.]

*The Norwegian Department of Ecclesiastical Affairs to Mr. Andrews.*

## THE CIVIL SERVICE OF NORWAY.

*Reply to the questions of Mr. Andrews, United States minister, Stockholm, concerning the Norwegian civil service.*

## PRELIMINARY REMARKS.

Before answering the particular questions, it will be expedient to indicate the classes of public functionaries referred to in the answers and to notice briefly the most important regulations in force concerning them to facilitate the appreciation of their position.

The persons who constantly, or in particular cases, exercise any public functions are divided, according to Norwegian judicial views, into the following three classes:

I. Officers: What characterizes the position of officers in contradistinction to the two other hereinafter-mentioned public positions is, apart from the nature of their business, the manner of their appointment. According to the fundamental law of the realm of the 14th of November, 1814, section 21, the officers are to be appointed by the King, after he has heard the report of his council of state; the other public servants are appointed or elected by various other authorities or corporations, such as the ministries, the Storting, the prefects, the common councils, the voters, &c. The officers may be considered as the most important organs, by help of which the King exercises the right of government vested in him. (According to the fundamental law, the King has the executive power, the King and the Storting, together with the legislature, and the Storting alone the granting power; the judging power is vested in an independent state-authority, the culmination of which is in the supreme tribunal, but whose functionaries are appointed by the King.) The officers are divided usually into three classes: The ecclesiastical (bishops, provosts, and priests); the military (officers of the army and fleet); and the civil (all the other officers who attend to the management of the various other state-matters intrusted to the executive power, namely, the officers of the police and of the tribunals in general; of the civil administration in the larger divisions of the country, provinces, bailiwicks, at the university and schools, of the medical faculty, of the customs, and for the collection of taxes; on the whole, the officers in the ministerial departments, &c.)

As general rules concerning officers, the following may be assumed:

a. In order to be a Norwegian officer, one must be:

1. A Norwegian citizen.
2. A Lutheran.
3. Speak the language of the country.
4. Have an untarnished reputation.
5. In the case of some officers there is, moreover, a limit of age, of which more hereafter.
6. Trustworthiness is required of judges.

7. Finally, for most officers, special examinations are necessary, of which also more hereafter.

b. Before any one who is appointed enters on his office, he has certain duties to fulfill. Thus, receiving-officers must give security; priests must be ordained by a bishop; moreover, every officer must pay the entrance-fees and take an oath.

c. Officers are not exclusively the servants of the King; they are just as much servants of the law; wherefore, an officer, being bound both to the King and to the law, must be presumed in doubtful cases to be able himself to judge of the limits of his obligation to obey.

d. In the execution of their business, officers enjoy a special protection, as the penal law has fixed a qualified punishment for violence or insult offered to them. They likewise enjoy public credit. It is, on the other hand, their duty to keep their reputation pure and unspotted, for which reason they must free themselves from dishonoring accusations by legal action.

e. The official function gives to him who holds it the right of voting and exempts him from military service. On the other hand, the officers are obliged to assure to their possible widows a pension by contribution to the widows' fund; of this, as well as of the duty of certain place-men to assure to themselves pensions, more will be said in the proper place.

f. Officers cannot be deposed unless, according to judgment, for crimes, nor against their will be removed. To this rule there are, however, important exceptions, which will be noticed hereafter in their proper place.

#### II. Place-men; and

#### III. Charge-men.

The difference between these two classes, which, as remarked, are distinguished from the officers by their appointments not coming from the King, after report from the council of state, is generally determined so that the place-men have a public position, which is usually applied for on account of a pecuniary or other advantage connected with the same; while charge-men execute the public business as a duty without remuneration, according to election or injunction of the corporation or authority concerned. These two classes of public servants execute most frequently communal functions. Many of them, especially place-men, do, however, serve the whole state community. As a general very important public charge, we may mention that of the storthingsman. The charge-men will not be noticed further in the answers, but several of the place-men must be assumed to come within the ground covered by the questions.

As the questions do not apply to the judicial and military functionaries, and as those appointed to ecclesiastical, medical, and educational functions cannot either be supposed to be meant, the answers will only treat of the following officers and place-men, who are to be considered as agents of the central civil administration, at the head of which the King stands, by virtue of the executive power attributed to him by the fundamental law. The numbers added will, for the sake of brevity, be used as references in the answers.

#### I. Officers and place-men in the ministerial departments.

The ministerial departments are the following seven:

1. For ecclesiastical and educational affairs;
2. For the affairs of justice and police;
3. For the interior;
4. For the finance and customs;
5. For the army;
6. For the navy and post; and
7. For the revision of public accounts.

Among the ministerial departments is reckoned also the "state secretaryship" and the chancery of the section of the Norwegian state council at Stockholm. Each of the said seven departments is managed by a councillor of state. As assistants, the councillors of state have a number of officers and subordinates, as follows:\*

a. Expedition secretaries and expedition chiefs, the functionaries standing immediately under the councillor of state, by whom every case dealt with in the department, after having passed through the lower bureaus, receives its last preparation previous to the decision of the minister, and through whom, moreover, the expedition of the case takes place. The last-named expedition chiefs superintend those branches in which special knowledge is required. Total number in 1876, 13, appointed by the King.

b. Bureau chiefs, number in 1876, 40; also appointed by the King.

c. Clerks who assist the bureau chiefs in preparing the cases. They are appointed by the King. Reckoning some of the so-called secretaries appointed in the last year, their number in 1875 was 93.

d. Copyists and supernumerary writers have the same functions as the clerks, while, as the lowest and usually the youngest employés, they do writing work, keep books,

\* All the numbers apply to the year of 1875 in so far as the contrary is not expressly stated.

and the like. Their number in 1875 was 182. They are taken on by the minister for each department.

In the ministerial departments we may also count the following functionaries, to whom a partly independent branch of administration is attributed, namely :

- e. The directors for—
  1. The medical affairs ;
  2. The roads ;
  3. The railway affairs ;
  4. Canals ;
  5. The harbors ;
  6. The telegraph ;
  7. Woods and forests ;
  8. The light-houses ; and
  9. For the central statistical bureau :

These are likewise appointed by the King.

II. Prefects: These officers superintend the civil administration of the larger districts into which the realm is in this respect divided, and they form the power which stands next to that of the King. The affairs intrusted to these important offices are so numerous and so various, that a description or even only an enumeration here would take up too much space. We shall, therefore, only remark that the prefects have to do with the settlement of most of the public affairs in their districts. They are twenty in number, and they are appointed by the King.

III. Sheriffs: These are officers in the country districts, who are chiefly accountants and cashiers for the state ; partly, also, for the larger communes, which are called prefectural communes. They are, moreover, police-masters in the country, and they are on the whole representatives of the executive power, in which capacity they provide for the execution of judgments and other devoirs. Some of them also exercise magisterial functions in the smaller towns situated in their districts. The sheriffs also assist the prefects in the civil administration. They are fifty-six in number ; they are appointed by the King.

IV. Sheriff's officers: A class of functionaries in the country to whom a great quantity of public business is intrusted. Thus, they are police officers under the sheriffs and assistants of the sheriffs and of the rural judges in cases concerning court and prison matters ; they also execute business in matters relating to bankruptcy and inheritance, auctions, and roads ; assist various authorities, especially sheriffs, rural judges, and communal corporations in obtaining information or execution of resolutions, and are in general to be regarded as the extreme organ of the civil administration among the people. They are appointed by the prefects ; they are 410 in number.

V.—*a.* Town sheriffs: Officers in town who in general correspond to the sheriffs. But in many towns various other business is intrusted to them ; thus in most places judicial functions, keeping of public registers of purchase, sale, and mortgage of property, &c. In many towns, on the other hand, there are appointed separate police-masters. The town sheriffs are frequently also magistrates, their functions are exercised in some places by the officers who are called rural judges.\* Separate officers with the title of town sheriff are found in twenty-nine towns. They are appointed by the King.

*b.* Tax sheriffs: Such functionaries are appointed in four towns. As cashiers and accountants for the state, they are nominated by the King.

VI. Magistrates: Royal officers who, with the corporations elected by the commune, take part in the management of the affairs of the town communes. These officers are most frequently connected with those of the sheriff. Separate magisterial officers are appointed in six towns. In Christiania and Bergen the magistracy consists of three officers, namely, one mayor and two councilors.

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\* That the rural judges above named are not included here, comes from their being chiefly judges and recorders. Of other functionaries, whose business must be considered as more particularly judicial or belonging to the courts of justice, and not administrative, the following officers are likewise omitted: recorders, notaries public, official assignees, their recorders, and the superintendents of auctions. As the class of the so-called judicial officers is for a great part recruited from the ranks of the practicing lawyers, we shall give the following notice of these latter in connection with this subject. They are not officers but placemen, being appointed (or "authorized") by the department of justice. They must submit to the same trials as aspirants for officers in general, and have, on the whole, the same education. Their function is, however, considered, according to Norwegian law, as only private avocation, because they have no fixed salary from public funds, and do not stand under public control with respect to their business, excepting in so far as concerns transgressions of particular regulations by which they are bound.

VII. Officers and place-men in the police of towns: These are, with the exception of the lowest functionaries, the police officers and constables.

a. The police master: Separate police masters are appointed in fourteen towns. These, as also their subordinate functionaries noticed under *b*, are nominated by the King.

b. Police adjutants and police clerks, nine in number.

c. Police assistants (lower rank): Three are engaged by the police master.

VIII. Officers and place-men in the customs:

a. Inspectors of customs, 17, appointed by the King.

b. Cashiers of customs, 31, also.

c. Upper customs officers, 70, also.

d. Under customs officers, 206, appointed by the finance and customs department.

IX. Officers and place-men in the postal service:

a. Postmasters (in the larger towns), 24, nominated by the King.

b. Post-forwarders (in the smaller towns), 26, appointed by the navy and postal department.

X. Officers and place-men in the telegraph service: The Norwegian telegraphs are state property and are worked for account of the state. The staff consists, besides the above-named royally-appointed telegraph-director, of the following functionaries, who are all not officers:

a. One superintendent.

b. Four functionaries in the chief office (cashier, bookkeeper, reviser—secretary).

c. Five other functionaries for the revision.

d. Eleven inspectors.

e. Three hundred and eleven telegraphists, of whom 83 are females; 90 of them, including 13 females, are employed at railway-stations.

XI. Officers and functionaries in the postal and light house service: The above-named officers, the harbor-director, and the director of the light-houses, together with 46 harbor-masters and 97 managers and watchers of light-houses, who are appointed by the navy and postal departments.

XII. Officers in mining administration: Six mining masters and jurors nominated by the King.

XIII. Officers and functionaries in the administration of woods and forests: The above-named officers, the director of the woods and forests, together with—

a. Foresters, 9, appointed by the King.

b. Assistants, 16, appointed by the home department.

Thus the total number of functionaries here in question is 1,551, of whom 454 are officers and 1,097 place-men.

## ANSWERS TO THE QUESTIONS PROPOUNDED.

### QUESTION 1.

“What examination or examinations must a person pass in order to be admitted to the civil service of Norway? What sciences, languages, and branches of knowledge is he examined in? Please state the titles of the more essential and difficult text-books he must have a knowledge of, so far as concerns law, politics, administration, mathematics, and history.”

To the following public offices named in the preliminary remarks, a so-called office examination is required by law: I a (secretaries of expedition); II, III, V a, VI (mayors), and VII a and b.\*

This examination is the so-called “juridical office examination” which takes place twice in the year at the university in Christiania. Only academical citizens, that is to say, such as have passed the “examen artium,” which also takes place at the university, are entitled to pass this juridical office examination. Besides being academical citizens, the candidates must have passed the “examen philosophicum.” In order to appear as applicant for any of the offices mentioned, it is thus necessary to have passed three examinations, of which the first two are intended to bring to light the candidate’s general culture and maturity, and the third to show his ability and knowledge in one special direction. The first two examinations can be briefly noticed here.

“Examen artium,” the preparation for which takes place either in the public schools for the superior general education or by means of private teachers, is passed by most at the age of eighteen to twenty years. It can be taken in two manners, according to the course chosen, namely, either the “classical examen artium” or “real artium.” The subjects of examination in the first are, the mother-tongue (two tasks or themes in writing); Latin (one task in writing and verbal examination); mathematics

\* For the telegraph functionaries, and the mining men in the public service, special trials are ordained, which, however, it is not considered necessary here to enumerate, as they would probably be of any general interest.



(likewise); religion, old Norwegian, Greek, and French or English (or both languages) and history (in the last six only verbal examination, and in the second, the mother-tongue, two tasks or themes in writing), English (in writing and verbally), mathematics (likewise); physics (in writing); religion, old Norwegian, French, history, geography, and the natural sciences (oral examinations).

After having passed the "examen artium," the students usually remain at the university to hear lectures on the subjects of the next prescribed examination, and usually pass this latter, "examen philosophicum," after the lapse of one or one and a half years. The subjects of examination here are philosophy, and five other branches of study which the students select themselves from among those expounded in the historic-philosophical and the mathematic-natural-historical faculties; providing, always, that at least one of each of these branches must be selected.

The "juridical office examination" is usually passed at the age of 24-25 years. This examination consists of, (1) a theme in writing in ten different branches and a so-called practical trial (a written representation of a lawsuit); and, (2,) oral examination in all the branches of study prescribed. The written tasks are given in the following branches:

- a. General jurisprudence.
- b. The Norwegian criminal law.
- c and d. The Norwegian mode of procedure.
- e. Political economy.
- f. The constitutional law of Norway.
- g and h. The law concerning property (obligation and court law).
- i. Introduction to Norwegian law science or personal law.
- k. The Roman law.
- l. The practical trial consists in the candidate drawing up, in a suit, the summons, pleadings on both sides, and the judgment.

The written part of the examination usually lasts about six or seven days. No other literary resources are available but the texts of the law included in the ordinary printed collections. Then follows the oral trial—three to four hours—in all the branches named and in popular law and statistics.

The most important books of instructions which are usually taken as foundation for the lectures of the professors, and the contents of which must be learned by the students, are—

	Vols.	Pages.
1. Schweigaard's Process .....	3	1,443
2. Brandt's Thingsret .....	1	564
3. Collett's Personalret .....	2	877
4. Schweigaard's Kriminalret .....	2	808
5. Hallager's Obligationsret .....	2	906
6. Hallager's Söret .....	1	294
7. Hallager's Arveret .....	1	229
8. Lasson's Process .....	3	1,132
9. Lasson's Kriminalret .....	3	1,348
Total .....	18	7,601

and also Mackeldy's representation of the Roman law.

Among other writings and books, the contents of which have to be studied, we may name the collections of laws for the years from 1648, the "Retstidende" (Law-News) from 1836 (judgments, practice in court, and juridical treatises), the "Departments Tidende" (Department News, administration practice), and the "Sources of the Roman law." It is to be remarked that the references to examination in the following replies are applicable only to the juridical office examination.

#### QUESTION 2.

"Is a preponderance given to any particular study; and, if so, what?"

Only in so far as the juridical office examination which, as mentioned, is necessary in order to obtain the positions in question, gives to those who have passed it the monopoly of these positions; but the case is the same with the other university examinations, so that one examination cannot be said to have any preference over the others, each of them having its own particular sphere.

#### QUESTION 3.

"Who conducts the examination and decides upon it? Are the examiners the persons who have been the instructors of the party examined? What, if any, part of the examination in oral and what in writing? How long does the examination occupy, and is it or is it not considered rigorous?"

Examinations can only be passed at the University. The examiners are the professors in the juridical faculty, and these give also their judgments. They are the

same who give the lecture on the subjects treated on in the examinations. It will be seen from what has been stated that the juridical office examination is not so very easy to pass, as it usually requires, including the previous examination, an uninterrupted course of preparation during fifteen to eighteen years, of which three to four must be devoted to acquiring special juridical knowledge. (See, moreover, reply to question 1.)

## QUESTION 4.

"Does the examination embrace any trial of *précis*-writing or of improvised composition or speaking? And what, if any, test is there as to general intelligence? Are marks of merit used? And does the certificate or diploma show the grade or rank in which the person passed his examination; and, if so, what effect does the grade have in his securing a better appointment?"

See reply to question 1. As testimony of the result of the examination, each candidate examined receives a diploma issued by the university showing in what manner the examination was passed, expressed by the so-called characters. Of these, there are three, namely: "*Laudabilis*," the best; "*Haudillaudabilis*," the next best; "*Noncontemnendus*," the worst. Forasmuch as any one distinguishes himself particularly, a special report is sent to the King, a thing which very seldom happens. Candidates with the characters "*laudabilis*" are by law entitled to the monopoly of certain positions, which, however, all belong to the juridical class. In appointments to administrative posts, regard is also usually had to the examination-character of the applicant; that is to say, that "*laudabilis*" gives some years' seniority in advance, how many years cannot be precisely stated. Candidates with "*non-contemnendus*" can scarcely find employment in public situations.

## QUESTION 5.

"As a general rule, must the course of study, previous to the examination, be taken at the university? And what length of time does the course of study generally occupy at the university, before one can pass the examination?"

Yes. It is certainly not prescribed that the students shall attend the professors' lectures; but it is usually acknowledged to be necessary for a regular preparation to do so. Besides attending the lectures, the students generally seek instruction from private tutors, or so-called *manuductors*. The average duration of the juridical study has been in later years found to be three years and four months.

## QUESTION 6.

"Since what time has this or a substantially similar test for admission to the civil service of Norway existed?"

The juridical office examination was ordained by a decree of the Danish-Norwegian King on the 10th of February, 1736, the first section of which says that "No one henceforth may apply for the office of judge procurator or any other civil function in the least degree connected with justice, unless he be publicly examined by *facultate juridica*." Until 1814 this examination was passed at the university in Copenhagen, afterward at the university in Christiania established in 1811.

## QUESTION 7.

"In case a person fails to pass the examination, how many, if any, further trials are allowed him, and after what length of time? At the time of failure, does the person examined have notice as to what branch or branches he has failed in, and at the subsequent trial is he merely examined in the branch in which he failed?"

The office examination can be repeated as often as the candidate pleases, and every time it is held; but it must be here remarked that any one who has been declared immature at the examination belonging to one "semester" (the usual denomination at the university for an educational half-year) is not admitted to the examination held in the half-year next following. After the termination of the written trial, each candidate receives a preliminary character which usually decides the result of the examination. On this occasion no official intimation is given to him as to his success in each branch, so that information must be obtained by private inquiry of the professors, who presumably have no objection to answer such inquiries. He who has failed to pass his examination, and wishes to go through it again, must do so in all branches.

## QUESTION 8.

"What other test or tests, if any, are required for admission into the civil service, besides the examination (or examinations) which have been described? For what, if any, positions, are there competitive examinations? And in what cases, if any, are examinations repeated after a person has been appointed in the service?"

No other examinations than those mentioned (see, however, the preliminary remarks under "I. Officers," *a*, *b*, and *c*). Neither are any more examinations required to ob-

tain the offices here noticed. Further trials, after the parties concerned are already admitted to the rank of officers, are only required to obtain appointment as judge, secretary of justice, and advocate in the supreme court.

QUESTION 9.

"As a general rule, do persons who have passed the examination, and who are competent in respect to moral character, health, &c., find ready admission to the civil service?"

There are usually examined every year several more candidates for office than can be immediately employed in suitable administrative positions. It is, therefore, customary that many of them accept private appointment, such as those of clerks to judges and lawyers, and from these positions those who do not elect to establish themselves as lawyers or men of business, generally pass into the lower public situations. The younger candidates for office who wish to remain in the public service have seldom to wait longer than a year for their opportunity.

QUESTION 10.

"Has there been an instance where a woman has passed the examination (or examinations) and been admitted into the service? If not, are, or not, women eligible?"

Females have at present no other positions which may be called public (besides the two mentioned below in parenthesis) except those noticed in the preliminary remarks, in telegraph offices. To obtain these, they must go through a theoretical and practical course of telegraphy, physics, languages, &c. The course, which terminates with an examination arranged by the director, lasts some months. No female has yet appeared at the university as a candidate for the office-examinations, neither has any decision been taken as to the admission of females to such examinations, nor as to the rights which they might thereby acquire. (Several females are, however, appointed as teachers in the communal schools for the children of the people.)

QUESTION 11.

"On an average, at about what age do persons pass the examination and become admitted temporarily (say as supernumerary) into the service, and how many years on an average generally pass before the person receives a permanent situation in the service?"

As remarked in the answer to question 1, 24 to 25 years. Appointment as temporary or supernumerary functionary in a public situation is not a usual thing, even if a public functionary is not nominated by the King as an officer. (See preliminary remarks.) Yet, when once he is accepted in the usual manner by the proper authority, he is considered as permanently appointed in the public service. (See, moreover, the reply to question 9.)

QUESTION 12.

"As a general rule, do officers on receiving their first appointment to a permanent position in the service, enter into the lowest grade? And please in this connection to state what the different grades are in any one department?"

Yes. Here it must be remarked, however, that several administrative officers, such as those of sheriffs, town sheriffs, and magistrates, are often filled by lawyers, who, as noticed in the preliminary remarks, do not belong to the class of public functionaries. Moreover, it may be mentioned that the higher situations in the customs and post-office are often occupied by older military or naval officers who have served well. Otherwise, we refer to the enumeration made in the preliminary observation of the various public situations which are here treated of and to the answer to question 13.

QUESTION 13.

"Are promotions made according to seniority or merit?"

Advancement cannot be said to take place either exclusively according to seniority or according to ability. A mixed system is adopted; but, on the whole, seniority must be considered as deciding the advancements. In connection with this subject, it may be interesting to learn how the advancement takes place in each particular official branch.

As officers in the ministerial departments, such persons as already hold situations there are almost exclusively appointed; so that the regular course of advancement will be, copyist, clerk, chief of bureau, expedition-secretary. Some grades in this series are frequently passed over, as also it will, of course, be the rule that clerks and chiefs of bureau will quit the ministerial service before they attain to the higher positions.

Prefects are usually selected from among the elder and capable occupants of the superior administrative judicial situations; for instance, expedition-secretaries, magistrates, and sheriffs.

For sheriffs, we take clerks and chiefs of bureau in the ministerial departments, lawyers, and other juridical candidates who have been appointed in various positions, chiefly in the account-keeping departments of the state and of the communes.

The office of "lensmand" (a sheriff's officer) is usually filled by clerks of prefects, sheriffs, and rural judges, and with properly-qualified agricultor in the parishes concerned. From these positions there is, as a rule, no promotion to higher positions.

Town sheriffs will usually have occupied the same positions as those who are promoted to be sheriffs; moreover, many of them will probably have been judges.

The same is the case with the magistrates, among whom there may also be found expedition-secretaries and prefects.

To the officers in the police-administration the promotion takes place chiefly from within the sphere of the administration itself. As police-masters in the smaller towns, it happens sometimes that lawyers and clerks in the ministerial departments are appointed.

QUESTION 14.

"On the average, about how much compensation per year does a person receive who is holding a temporary situation; about how much compensation on an average, does he receive per year during the first period after his appointment to a permanent situation? Please give the full amount of annual compensation for the different grades in any civil department, including any additional pay now voted temporarily on account of dear times, and are salaries paid monthly or quarterly?"

See reply to question 11. The salaries for the positions enumerated in the preliminary remarks were, in 1875:

Expedition-secretaries and expedition chiefs .....	*sp. 1,200
Chiefs of bureau, 700 + supplement 150 .....	850
Clerks, 400 + supplement 100 .....	500
(After five years' service an addition of sp. 50.)	
Secretaries, 600 + supplement 120 .....	720
Copyists, 300 + supplement 75 .....	375
Extra writers, 250 + supplement 62 .....	312
The telegraph director, sp. 1,200 + supplement 400 .....	1,600
The road director, 1,200 + supplement 400 .....	1,600
The railway director, 1,600 + supplement 400 .....	2,000
The canal director .....	1,200
The harbor director .....	1,000
The director of forests .....	1,200
The director of lights, 1,200 + supplement 400 .....	1,600

Prefects: The salary is different for the different offices; the highest (including allowance for office-expenses and some other emoluments), is sp. 2,582; the lowest sp. 2,250.

Sheriffs, likewise different, from about sp. 2,200 to about sp. 900.

Sheriffs' officers are only in exceptional cases remunerated by a fixed salary, and in those cases it is only a small one. Their most important emolument consists of fees for judicial operations executed. Their incomes are very different in the different places.

Town sheriffs, from about sp. 2,400 to about sp. 700.

Magistrates, from about sp. 2,000 to about sp. 1,000.

Police masters, from sp. 1,000 to sp. 500.

Police adjutants, from sp. 790 to sp. 500.

Police clerks, from sp. 500 to sp. 400.

Customs inspectors, from sp. 1,600 to sp. 700, and certain percentages of the duties.

Customs cashiers, in Christiania, sp. 3,100; in Bergen, 2,300; in the smaller towns, from 600 and percentages.

Under customs-officers, from sp. 475 to 375, and percentages.

Customs officers, from sp. 900 to sp. 650, and percentages.

Postmasters and post-forwarders, from about sp. 1,600 to about sp. 400.

Superintendents of telegraphs, sp. 1,000.

Functionaries in the chief telegraph office, from sp. 850 to sp. 144.

Functionaries in the control office, from sp. 600 to sp. 315.

Inspectors of telegraph, from sp. 850 to sp. 750.

Managers at the telegraph station, from sp. 600 to sp. 340.

Managers at light-houses and attendants, from sp. 900 to sp. 100.

Mining masters, sp. 720 and fees; jurors, sp. 380 and fees.

(The two latter classes have, moreover, a supplement of salary after five, ten, or fifteen-years' service sp. 50 each time.)

Forest masters, from sp. 1,100 to sp. 750.

\*Specie dollars, one of which is equal to \$1.07, gold.

Forest assistants, from sp. 400 to sp. 300.  
(A supplement of salary after three, six, nine, and twelve-years' service sp. 50 each time.)

The salaries are paid monthly.

QUESTION 15.

"If there is a fixed gradual increase of an officer's salary, what is the rule in respect to such increase; and does it apply generally in the different departments of the civil service?"

Such augmentation does not take place in any other situations than in the four named in the answer to the previous question (clerks in the ministerial departments, mining master, jurors, and forest assistants).

QUESTION 16.

"After what length of service (and is temporary service reckoned) and at what age can an officer retire with a pension? And what is the rule as to the amount of the pension? And if the officer dies in the service, what, if any, is the rule in respect to a pension to his heirs? Also, what is the rule in respect to a pension when the person has to quit the service on account of loss of health?"

As no particular age has been fixed at which public functionaries shall retire from their places, so also there are no fixed rules given as to the amount of pensions. Those pensions which have to be paid out of the state treasury are fixed for each particular case preliminarily by the King, and finally by the Storting. In fixing these pensions, regard is usually had to the time of service of the pensioners, their previous merits, the state of their fortune, and their family circumstances. Every officer who, at an advanced age, seeks his release from the service of the state, on account of motives which cannot be ascribed to his own fault (such as that he has ruined his health by intemperance), can, according to practice, reckon on a pension, which is usually sufficient for a frugal existence. To the widows and children of public functionaries no pensions are granted from the state treasury, excepting in quite peculiar cases; for instance, when an officer's unusual public merit speaks for the reasonableness of the grant. On the other hand, all married officers (not place-men) are under the obligation to pay a contribution to a widows' fund, managed by the state to insure a pension to their widows. This obligation applies to those officers who are already married when they are appointed, so that the officer's wife is from that time considered to have the regulation-pension guaranteed to her by the widows' fund, against the man and his wife being, from the same day, debtors to the widows' fund for the amount of a contribution fixed by law and calculated, according to their age, on the day of nomination. Compound interest is to be paid on the amount. The contributions are calculated according to a tariff under a law of 29 June, 1848; which, however, is too voluminous to be inserted here. No one can assure to his widow a higher pension than sp. 200, which, however, under certain conditions, can be raised to sp. 300.

QUESTION 17.

"Is there any annual deduction from pay or special or extra tax incurred by the officer as contribution to a pension-fund; and if so, what?"

None as regards the officers properly so-called. But it has been made the duty of the state place-men whom the King appoints with the Storting's consent to pay contributions to one of the pension funds guaranteed by the state. The payments can be fixed up to sp. 2½ monthly, and can be retained out of the fixed salary of the party concerned. Pensions are generally received when functionaries are released from the service of the state. The amount is calculated according to a table attached to a law of May 31, 1873. Among all the place-men here mentioned, the obligation to put into this fund has hitherto only been enforced on the functionaries in the telegraph administration.

QUESTION 18.

"Does the practice of expectance-pay observed in the department of foreign affairs obtain in other departments; and if so, under what circumstances?"

The case foreseen in this question is not practical for Norway.

QUESTION 19.

"Does or not the constitutional independence and security of an officer in holding his place (those not holding confidential places) tend to lessen his zeal and efficiency and lead to a sort of routine or plodding way of performing work? Is it not extremely seldom an officer or employé is removed? In this connection, please state, also, whether or not it is conceded that the chief of a department has the right at any time to remove the officer next under him ('expeditions-chef' or dispatching secretary), and appoint another in his place; and is or not such officer (expeditions-chef) considered principally responsible for the work of the department?"

To the first part of the question it may be answered that no complaint has ever yet been made in respect of the subject inquired about.

To the second part, yes; it is rare. We append the following extracts of the official criminal statistics, showing the proportion between the numbers of the public functionaries and others accused before the tribunals in the years 1860-'72. It may be remarked that the punishment has only in the rarest cases been dismissal, and that most of those persons who are reckoned under the head of "place-men" and "charge-men" have probably belonged to the latter-named class.

*Total number of those accused of crimes (not police misdemeanors.)*

Year.	Persons.	Of those were—		Year.	Persons.	Of those were—	
		Officers.	Placemen and charge-men.			Officers.	Placemen and charge-men.
1860.....	3, 148	1	33	1867.....	3, 174	1	27
1861.....	3, 246	.....	32	1868.....	3, 909	1	28
1862.....	3, 175	2	43	1869.....	3, 866	3	19
1863.....	3, 135	1	27	1870.....	3, 647	1	21
1864.....	2, 995	.....	24	1871.....	3, 612	.....	22
1865.....	3, 152	.....	37	1872.....	3, 463	.....	23
1866.....	3, 080	.....	26				

To the last part, it is not the individual chief of a ministerial department who has the right in question, but the King, after he has heard the opinion of the ministers. Moreover this right extends further; as, according to the fundamental law, section 22, the King can at any time dismiss all those of the public functionaries here noticed, who are appointed in the government offices, and also the prefects. He who may be dismissed by virtue of this paragraph has a right to receive two-thirds of his salary, until the Storting has decided whether he shall have a pension. The King can also suspend all other officers, but must in that case immediately cause them to be accused before the tribunals.

Expedition-secretaries and expedition-chiefs are indeed answerable for the accuracy of everything executed in the ministerial department under their co-operation; but this responsibility exists only in their relation to the chief of the department to whom they present the matter for decision and signature. The chief himself, when he has approved and signed, is the real responsible party.

QUESTION 20.

"Is or not the hope of promotion an important stimulus to the officer's zeal, industry, and efficiency?"

Yes; but of course only partially. The occupants of public situations are no more in Norway than elsewhere exempted from the general rule that only the conscientious discharge of duty for its own sake can promote true satisfaction with one's position; and it may therefore be assumed that the desire of obtaining this satisfaction is in most cases the strongest motive.

QUESTION 21.

"What may be considered the principal motives which induce officers to make continuous exertions for the improvement of their capacities and opportunities? Are they or not the hope of promotion and the certainty of provision in old age?"

To this question the same reply may be given as to the foregoing. We may add that the provision for old age which the officer enjoys by means of pension, though it is to be reckoned on with tolerable certainty, is very scanty.

QUESTION 22.

"Is a conduct-record kept or report made (and how often) as to the amount and character of an employe's or officer's work? Or what, if any, system is used to bring to the knowledge of the head of the department the efficiency or non-efficiency, the good character or bad character of the officer or employe? Also what, if any, particular means are used for enforcing good discipline?"

The most important means of control are, as regards the ministerial departments and the other collegial establishments, personal intercourse, and, in other branches of administration where that cannot take place, the sending in of yearly, half yearly, and quarterly reports of various kinds, whence the nature of each man's official performance in general will appear. As regards the special account-keeping, there is, as mentioned

in the preliminary remarks, a particular ministerial department for auditing accounts, to look into the cash balances of sheriffs and customs cashiers, and to examine *inter alia*, whether they agree with the abstracts of account rendered, the finance department sends out special functionaries at uncertain times. Also the press must be here named, as it is often used by the public to bring forward complaints about official performances. Finally, it is to be remarked that by a cabinet order of 4th December, 1770, the prefects have been commanded to send in their reports at the end of every year, as to whether any of the subordinate functionaries have displayed remarkable diligence and zeal in their offices, or shown any neglect; but it appears that these conduct-lists have never come into use, for which reason they were for a time repeatedly insisted on, the last time by a circular of 3d September, 1844.

## QUESTION 23.

"How many hours of actual work per day does an officer in the civil service usually perform; and how many days furlough is he allowed in a year without deduction from pay?"

Nothing definite can be said on this point. The majority must be supposed to be taken up by their duties the whole of the working-day. As to reduction of salary for the time a public functionary might be absent from his post, nothing is prescribed. Generally the absence is of so short duration that in equity there can be no question of any such reduction. When any one, for his own affairs, wishes to be absent from his post for any considerable time, it is usually made a condition for his receiving permission to absent himself, that the duties of the office shall be satisfactorily discharged by another properly qualified person without any increased expense for the public.

## QUESTION 24.

"If the King has the right to appoint any one to a subordinate position who has not passed the examination, about how often is such right exercised; and what, if any, test as to qualifications is applied to such appointee?"

## QUESTION 25.

"In what branches of the service and to what positions are persons admitted as a rule without undergoing the examination; and having so been admitted, what limitations are there as to their promotion; and what, if any, examination or test do those persons undergo?"

In reply to these questions it is considered sufficient to refer to the enumeration in the preliminary remarks and to the answer to the question 1.

As regards specially the situations in the ministerial departments here referred to, it is indeed the case that according to law no examination is required to obtain them; but as these places are only transition stations on the way to other offices, such as those of prefects, sheriffs, judges, and court clerks, for which the examination is necessary, and as usually there is an abundant afflux of examined aspirants for office, of whom several choose this manner of preparing themselves for the said positions, the fact is that, in reality, most functionaries in the ministerial department have passed the office-examination, not reckoning those who, being only book-keepers or writers, cannot reckon on any promotion.

## QUESTION 26.

"How are appointments usually made? If on the application in writing of the person who desires the office, to whom is his application addressed, and what certificates usually accompany it? And how far do political considerations and social rank give an applicant preference?"

See preliminary remarks.

Applications for the offices which are filled by the King's appointment are to be addressed to him, and delivered to the proper ministerial department. In like manner, applications for the other situations are to be addressed to the department or to the authority by whose decision they are filled.

The situations of prefects, sheriffs, sheriff's officer, town sheriffs, magistrates, police functionaries, customs functionaries, postmasters, also those of light-house managers and harbor-masters, are advertised vacant in the public journals, but not the situations in the ministerial departments.

Applications are to be accompanied by the certificates of examinations passed, and of conduct, in previous situations. See, moreover, answers to questions 27 and 29.

## QUESTION 27.

"Is it or not often the case that members of the Storting recommend an appointment or take active part in securing an appointment for some friend?"

If any public functionary should act in the service of a party by other means than those which his own personal capacities, his education, or his social position might

enable him to dispose of; in other words, if he should use those privileges or that greater power which his position as officer or placeman gives him, otherwise than prescribed for him, in order to procure advantage for his party, he would not easily escape criminal prosecution and punishment. In all cases we may say that the public morality is so far uninjured that such a proceeding would be strongly condemned by the press and by the public opinion, without regard to the position of the parties. Moreover, the whole character of the official position would scarcely give occasion for any considerable influence being brought to bear in politics without transgressing the limits of what is lawful, as with respect to the principal means which one might imagine could be used (namely, money and power to influence the opinions of the dependents), the very minute regulations, with respect to application of public money, the careful revision and mutual control which are facilitated by the transparency of all operations, would leave very little room for any arbitrary measures. It is therefore unknown that the official position as such is considered as any means of advancing the interest of a party. In as far as the members of the Storting, in question 27, are considered as members of a political party for whom it might be of importance to gain possession of official positions, we must therefore answer, that, as this is not the case, so neither can the influencing action in question take place.

## QUESTION 28.

“To what extent, if any, are appointments made on the principle of patronage? Also, do the sons of officials have a preference?”

By reason of the constitutionally-ordained control, there is no fear of any corrupting abuse in the matter here referred to. The councillors of state, according to whose advice the King appoints the officers, are subject to the same responsibility in this respect as in all others. The control is exercised by the Storting, so that the special committee concerned, who have the government's books delivered to them, peruse the books, and furnish the necessary extracts for decision, as to whether any responsibility shall be enforced or not. The committee's report, which is accessible in print to the public, contains, *inter alia*, complete lists of all the applicants for the offices which have been filled during the year last past, stating the applicant's age and seniority, and all else that it may be of importance to know.

## QUESTION 29.

“In case the particular party views in politics of a person do not affect his admission into the service, is he expected to be neutral while holding a subordinate position; or what, if any, rule or practice is enforced with respect to his taking an active part in politics while he is in the service? What would be the consequence, for example, if an employé or officer should, during a political election or canvass, write or speak in public against the measures of the administration?”

It must be here remarked that the officers in the ministerial departments cannot, according to the fundamental law, be elected members of the Storting; but, on the other hand, they are entitled to take part in the election of Storthingsmen. Further, it must be noticed that the fundamental law determines that “free utterance respecting the government is permitted to *everybody*.” The same guarantee which is mentioned in the reply to the preceding question will also protect any one from being unfairly set aside on account of his political opinions. In the public opinion there is no generally-received idea that the government places any obstacles in the way of the deserved appointment or promotion of men who, in proper time and place and in a decent manner, have supported adverse political opinions. On the contrary, many instances can be adduced for this not being the case. We ought, perhaps, to remark, in connection with this subject, that political-party dissensions in Norway have hitherto been far from having the importance for personal interests which in many other places is attributed to them.

## QUESTION 30.

“How does the civil service compare in respect to honor and rank with other employments and professions? And does or not its high respectability and rank cause positions therein to be much sought for? Please also state whether the service could be conducted as efficiently and economically as at present if changes in office were frequent and dependent on political and party considerations.”

The Norwegian people have on the whole always cherished a sincere and special esteem for the law and for its servants; it is moreover generally well known that the people are in a very essential degree indebted to the disinterestedness, patriotism, and ability of the official class for their free constitution and the other beneficent institutions which they obtained in 1814. The official class has not subsequently departed from its traditions, but always been in the front in all measures tending to promote the prosperity of the community; and for this it has had so much more eminent vocation, as it has been, for a long time, generally in possession of such high culture as



existed in the community. With the increased wealth of the country and the greater development of the people in general, this advantage has, however, been enjoyed by other ranks in a higher degree. There has been of late frequently expressed a fear that the reduced economical circumstances into which the official classes have gradually fallen, in consequence of their salaries, the value of which has been considerably diminished by the reduction in the value of the money, not having been correspondingly raised, will influence talented and capable young men, so that the latter will not as hitherto preferably seek to enter into the service of the state; but on this subject it is still too early to give any decided opinion. It must also be remarked that neither the law nor any other regulation has yet given to officials any rank or other privilege in ordinary intercourse; on the contrary, all rank and title privilege is forbidden by the fundamental law, for which reason no other titles are used than the necessary appellations of the public positions. The personal service of the King is executed by his court functionaries, who, in this capacity, are neither salaried by the state nor are state officers.

As regards the last part of the question, an attempt to motive either an affirmative or a negative answer would require a much more extensive exposition than can be given here, and even then the answer would only be the result of argument, in a not very probable hypothetical case, and thus of no great use for practical guidance. As a necessary condition for the assumed case in the question, that the occupants of administrative positions were frequently displaced, according to the changeable will of political parties, really occurring, the constitution must first be imagined to be altered in one very important direction, namely, so that the appointment to public functions should not, as is now the case, be in general decided by the King or by those whom he has authorized. But such an alteration cannot, as was remarked, be presumed to take place at any calculable future time. In so far an expression concerning the bearing of public opinion on the question may be considered as of any value, it can only be said that any such opinion has scarcely been formed among the people. It may, however, be stated as certain that there has hitherto not been any just complaint of business under the present system of government not being satisfactorily executed or costing the people too much; on the contrary there constantly appear, in public transactions, as well from one party as from the other, commendations of the capability and honor of the official class, as likewise the salaries of officials have been in later years several times somewhat raised.

#### QUESTION 31.

"What, if any, manual on administration and the civil service has been published?"

There is no manual known, nor book of instruction which gives a complete description of the administrative system of Norway. A great quantity of historical information in this respect is to be found in Professor Aschehaug's work "On the Constitution in Norway and Denmark until 1814." Various calendars arranged for practical use, or lists of officers and places and their occupants, are to be had; among them may be noticed "Kongeriget Norges Stats Kalender," which has been hitherto published by private individuals, usually every other year, but will henceforth be published yearly by public arrangement. A not unimportant representation of various matters concerning the official system is to be found in the late Professor Collett's Lecture on Personal Law, published in 1865-1866, by Professor Brandt (vol. 1, section 2, ch. 4). The three works here named, are to be had of the booksellers.

#### QUESTION 32.

"Please add any remarks that will more fully describe and explain the character of the civil service of Norway, and state what, if any, feature of it has not been found satisfactory, and why."

We may refer to the preliminary remarks, and shall only add the following: The most important administrative offices, those of the prefect and the sheriffs, as also that of the sheriff's officer, developed themselves in the last centuries, during Norway's union with Denmark, and still exist essentially in the form they then had acquired, while as a matter of course, in the natural development of things, considerable alterations have taken place in respect of the number and variety of the transactions, as also many branches of administration which required separate management were intrusted to new officers. The officers in the ministerial departments were established after 1814, when Norway received its own constitution, independent of that of Sweden. It cannot be said that any need has hitherto been shown or expressed of any larger or more thorough change in the administration or in its organs. In 1822 a new ministerial department was established to manage the auditing of all public accounts, not including the constitutional audit, which is still conducted by the Storting, with the help of selected men, "*statsrevisors*." In 1845 a great number of transactions were separated from the earlier finance, trade, and customs departments, and placed under the present home department. The business of the latter has, however, gradually increased in a considerable degree, as well in respect of the number as of the extent of

the transactions; so that it has been found expedient to separate various parts of them, namely, such as require special knowledge, which, with a certain independent authority, have been committed to the so-called directors. Probably this increase of business will ere long lead to the establishment of a ministerial department for the public works.

The wish has lately been expressed from some quarters that the office of sheriff should be abolished, and its functions committed to the sheriff's officer (*lensmand*), or in any case that the sheriff's business should be divided, so that the functions of accountant and cashier should not be, as hitherto, united in the same hands. Likewise a disposition has been expressed to reorganize the functions of the sheriffs' officers (*lenswand*), so that the communes should have greater, or even the whole, influence in the nomination of the *lensmand*.

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No. 311.

*Mr. Andrews to Mr. Fish.*

No. 379.]

LEGATION OF THE UNITED STATES,  
*Stockholm, March 12, 1877.* (Received April 2.)

SIR: The Riksdag's joint committee on taxation recently reported a resolution in the form of a petition to His Majesty to appoint a commission of experts to examine the laws on the production and sale of spirits, with a view through legislation to more effectually prevent the misuse of spirits, and so that His Majesty may, if possible, submit a proposition for a law to the next Riksdag. The resolution was considered on the evening of Saturday the 10th instant. In the first chamber it was carried without a division, and in the second chamber by 123 yeas to 43 noes. A similar resolution was rejected by each chamber of the Riksdag in 1874 and in 1875. In the Riksdag of 1876 it passed the first chamber, but in the second chamber was defeated by 7 votes.

I venture to give a few passages from the remarks of some of the speakers in the second chamber on Saturday evening as reported in the *Dagblad* of this morning, without being able, however, for lack of time and space, possibly to do them full justice.

Mr. Farup, mill-owner, of Jemtland County: The whole country was of one mind that something should be done to lessen the excessive consumption of spirits. \* \* \* In his locality drunkenness was common among transient work-people at the saw-mills, but not among the permanent population.

Mr. Treffenberg, governor of Westernorrland County: Religious care and many other means might contribute to repress intemperance. \* \* \* One had seen that a committee could work miracles, and possibly one could be effected in this question.

Mr. Ehrenborg, a land-holder of Skaraborg County: It was a question not of a *foreign* enemy but of a *domestic* enemy against which the powers of the state ought to be mobilized.

Mr. Lyttkens, agriculturist, of Holland County: The talk of the increase of intemperance was untrue. They knew how common it was in former days at a funeral for nearly all, including the priest, to be intoxicated. \* \* \* He opposed the resolution.

Mr. Hjelm, common-school teacher in Westerbotten County: Legislation had done much good, especially in the northern counties, where intemperance had considerably diminished. At the same time it was a moral evil and should be overcome by moral means, such as popular education.

Mr. Rydin, a professor of Upsala: All the propositions which had

thus far been presented were so crude that when the question came to be discussed no means were known for remedying the evil complained of. They slaughtered the goats of Thor, but there they stood again every morning.

Mr. Larsson, farmer, of Jönköping County, hoped the committee would follow the example of "our great Gustaf Adolf, who, when he saw the soldiers intoxicated with beer, took the bung from the barrel, saying, I would rather see beer and wine flow upon the ground than the blood of my warriors."

Baron Fock, chief of the control of the production of spirits, did not, as a general rule, approve this method of securing legislation, but they could not, time after time, turn a deaf ear to the demand which came from the country for a change in the law. It was impossible for a committee of the Riksdag in the short period of a session to work out a bill. He wished to see a new law in regard to spirits, and therefore favored the resolution.

There is a statement of the license law of Sweden in my No. 202. My No. 336 contains some facts as to the misuse of spirits.

It is probably wise policy for this country to endeavor through legislation to lessen the temptations and facilities to intemperance. At the same time I think it should increase its efforts for the intellectual nourishment and life of the common classes.

I am, &c.,

C. C. ANDREWS.

No. 312.

*Mr. Andrews to Mr. Evarts.*

No. 390.]

LEGATION OF THE UNITED STATES,  
*Stockholm, May 24, 1877. (Received June 15.)*

SIR: I have the honor to acknowledge the receipt of your number 260.

In view of the Eastern war, this government has republished the law for the protection of Swedish neutrality.

The Riksdag has, without a division, made an extra appropriation of two millions of crowns to enable the government to maintain neutrality. Besides this, there is the standing appropriation of one and one-half million crowns, called the "little credit," which the King can use for the protection of the country in case of emergency.

I am, &c.,

C. C. ANDREWS.

No. 313.

*Mr. Andrews to Mr. Evarts.*

No. 402.]

LEGATION OF THE UNITED STATES,  
*Stockholm, July 12, 1877. (Received August 1.)*

SIR: Sweden's oldest university, Upsala, which was founded under the rule of that great administrator Sten Sturé, in one of the bright epochs of Swedish liberty, will, next September, commemorate its four

hundredth anniversary. The exercises will begin the 5th of September, with religious service and an address by the president, Professor Sahlin, in the Cathedral. Later in the day a dinner to the invited guests will be given in the Botanical Garden. On the 6th, the doctors' degrees will be given, and afterward a public dinner. On the 7th, the city of Upsala will give a reception and ball.

It is natural that the country should feel a pride in such an occasion, and preparations for its due observance have been going on for some time. Representatives of all the oldest and most distinguished universities of Europe will be present by invitation.

This rich and ancient shrine of learning, situated amid the most striking relics of Swedish antiquity, has about sixty professors and as many tutors.

I have, &c.,

C. C. ANDREWS.

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CORRESPONDENCE BETWEEN THE DEPARTMENT OF STATE  
AND THE SWEDISH LEGATION.

No. 314.

*Count Lewenhaupt to Mr. Evarts.*

[Translation.]

LEGATION OF SWEDEN AND NORWAY,  
*Washington, August 6, 1877. (Received August 6.)*

Mr. SECRETARY OF STATE: The international penitentiary commission having decided, during its session at Brussels in the month of March last, that the International Prison Congress, accepting the invitation addressed to it by the King's government through Mr. Almgirst, director-general of prisons in Sweden, and member of the commission, should meet at Stockholm during the second half of the month of August, 1878, the government of the King has undertaken to inform foreign governments of this fact.

In performing this duty, the government of the King desires to express the hope that all the states of the civilized world will furnish evidence, by an extensive participation both of their interest in the lofty and important object proposed by the congress, and of their cordial approval of the generous initiative taken by its president, Dr. Wines. For its part, the government of the King will take all measures calculated to facilitate the labors of the congress.

I have been instructed to bring the foregoing to your excellency's notice, and to inform you that the Government of the King would be very glad to see the Government of the United States represented on this occasion by one or more official delegates.

Reserving until hereafter the announcement of the precise date of the meeting of the Congress, I have the honor to renew to your excellency the assurances of my highest consideration.

C. LEWENHAUPT.

No. 315.

*Mr. Seward to Count Lewenhaupt.*DEPARTMENT OF STATE,  
*Washington, August 14, 1877.*

COUNT: I have the honor to acknowledge the receipt of your note of the 6th instant, in which, at the instance of your government, you state that the International Prison Congress will, by invitation of the Government of Sweden, meet at Stockholm during the latter part of August, 1878, and that it is desired that this government should officially take part in its proceedings.

In reply I have to inform you that upon the assembling of Congress, in October next, the subject will be referred to the proper committee of that body for consideration.

Be pleased to accept a renewed assurance of my high consideration.

F. W. SEWARD,  
*Acting Secretary.*

## SWITZERLAND.

No. 316.

*Mr. Fish to Mr. Evarts.*

No. 8.]

LEGATION OF THE UNITED STATES,  
*Berne, August 7, 1877. (Received August 20.)*

SIR: I have the honor, in compliance with your instruction No. 2, to inclose herewith a copy of a note I have this day addressed to Mr. Heer, the minister for foreign affairs, transmitting the four copies of the circular "Separate" of June 28 last, authorizing a continuance of the protection of Swiss citizens by the diplomatic and consular officers of the United States.

I have, &c.,

NICHOLAS FISH.

[Inclosure.]

*Mr. Fish to Mr. Heer.*LEGATION OF THE UNITED STATES,  
*Berne, August 7, 1877.*

The undersigned, chargé d'affaires of the United States of America, has the honor, under instructions from his government, to transmit herewith to His Excellency the President of the Swiss Confederation four copies of a circular, dated June 28 last, to the diplomatic and consular officers of the United States, authorizing them to continue the exercise of their good offices in behalf of Swiss citizens in pursuance of a request made by the Swiss Government through its consul-general at Washington.

The undersigned avails himself of this occasion to renew to his excellency the assurance of his most distinguished consideration.

NICHOLAS FISH.

No. 317.

*Mr. Fish to Mr. Evarts.*

No. 15.]

LEGATION OF THE UNITED STATES,  
*Berne, August 21, 1877. (Received September 12.)*

SIR: Referring to my No. 8, I have the honor to inclose herewith a copy and translation of a note from the Swiss Government, under date of August 14, acknowledging the receipt of four copies of your circular to the diplomatic and consular officers continuing their protection to Swiss citizens, and expressing its gratitude for the same.

I have, &amp;c.,

NICHOLAS FISH.

[Inclosure.—Translation.]

*Mr. Heer to Mr. Fish.*

BERNE, August 14, 1877.

The Federal Council has the honor to acknowledge to the chargé d'affaires of the United States of America the receipt of his note of the 7th instant, by which he was pleased to communicate four copies of a circular addressed by his government to the diplomatic and consular agents of the United States abroad, authorizing them to continue to extend their good offices for the protection of Swiss citizens in countries where the Swiss Confederation is not represented.

While requesting the chargé d'affaires to present to his government the expression of the deep gratitude of the Federal Council, it avails itself of this occasion to renew to him the assurances of its high consideration.

In the name of the Federal Council.

The President of the Confederation,  
HEER.The chancellor of the Confederation,  
SCHLISS.

TURKISH EMPIRE.

OTTOMAN PORTE.

No. 318.

*Mr. Maynard to Mr. Fish.*

No. 113.]

UNITED STATES LEGATION,  
*Constantinople, Dec. 26, 1876. (Received Jan. 29, 1877.)*

SIR: The last few days have developed events of great political interest, and likely more or less to influence the future of the East.

In my dispatch No. 108, dated November 27, 1876, it was announced that a conference was about to be held at this capital, composed of delegates from the Ottoman Empire and from the six guaranteeing powers, so-called. The following-named persons are the delegates:

From Russia, the ambassador, General Ignatieff;

From Germany, the ambassador, Baron Werther;

From Italy, the envoy extraordinary and minister plenipotentiary,  
Count Corti;

From Great Britain, the ambassador, Sir Henry Elliot, and a special ambassador, the Marquis of Salisbury;

From France, the ambassador, the Count de Bourgoing, and a special ambassador, the Count de Chaudordy;

From Austria-Hungary, the ambassador, Count Zichy, and a special envoy extraordinary and minister plenipotentiary, the Baron de Calice;

On the part of the Ottoman Empire, his excellency the minister of foreign affairs, Safvet Pasha, and his excellency Edhem Pasha, the Ottoman ambassador at Berlin.

It was determined by the delegates of the foreign powers to consult informally prior to the meeting of the conference and as preliminary thereto. These consultations were private, in the cabinet of General Ignatieff, the dean of the diplomatic body, and were understood to be confidential. Yet the Sublime Porte appears to have been kept fully advised of all that was done. At least ten of these preliminary meetings are said to have been held, and it has transpired that, with the possible exception of Sir Henry Elliot, the delegates of all the six powers are unanimous in their conclusions. Of the several propositions agreed upon, the three of most importance are: first, autonomy for the provinces; second, disarmament of the population; and third, military occupation for the enforcement of promised reforms.

The preliminary consultations ended, a full meeting of the conference was announced for Saturday, the 23d instant.

Meantime, on Monday, the 18th, the day of the sixth preliminary meeting, there was another change in the high office of grand vizier. His highness Mehemet Ruchdi Pasha, who had held the office since the 12th of May last (see dispatch No. 66 of that date), has retired, and is succeeded by his highness Midhat Pasha, president of the council of state, and, since the death of the late Hussein Avni Pasha (see dispatch No. 72 of June 17, 1876), the controlling genius of the government. He had previously held the office of grand vizier from July 31, 1872, to October 18, 1872, as appears from Mr. Boker's dispatches, No. 38, August 1, 1872, and No. 58, October 20, 1872. Upon the latter dispatch, by the way, the events of the last few months are a curious commentary.

The reason assigned for the retirement of the late grand vizier appears in the imperial hatt, proclaimed on the occasion, which, with some newspaper extracts, is inclosed.

Another reason has found credence with the public. As already stated, the Porte was constantly advised of everything done by the plenipotentiaries of the six powers in their preliminary consultations. For several months past, and even before the dethronement of the Sultan Abdul Aziz, much had been said about ordaining a constitution for Turkey. And it was reported during the summer and autumn that the ministers were engaged in the preparation of such an instrument, which it seems they at last brought to a period. A question is said to have arisen among the ministers, whether the constitution should be promulgated before or after the conference. The former policy, so the story goes, was urged by Midhat Pasha, and the latter by the late grand vizier, Mehemet Ruchdi Pasha. When the latter found himself defeated in the council of ministers he retired, whether willingly or not is uncertain.

However this may be, the constitution was solemnly promulgated at the Porte on Saturday last, the 23d instant, by an imperial hatt (decree), of which I inclose an English translation. A copy of the constitution itself, as published by the evening papers, is appended, with a translation into English. Several official copies in pamphlet, of the constitution,

with the introductory hatt, have been furnished the legation, some of which will be sent in a separate package to the Department of State.

The same day, Saturday; the 23d instant; but at a late hour of the day, was held the first meeting of the full conference, at which little seems to have been done beyond organizing, with his excellency Safvet Pasha as president, and a corps of secretaries.

Speculation is rife and the public mind much agitated. But all discussion turns upon the one great underlying, overshadowing question of peace or war, and every event is canvassed as tending to preserve the one or to precipitate the other.

I have, &c.,

HORACE MAYNARD.

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No. 319.

*Mr. Maynard to Mr. Fish.*

No. 126.]

LEGATION OF THE UNITED STATES,  
Constantinople, January 30, 1877. (Received March 3.)

SIR: I have the honor to report that the conference, the first meeting of which was mentioned in my dispatch of 26th December last, No. 113, brought its sittings to a close Saturday, the 20th instant. It was followed by the departure of all the representatives of the guaranteeing powers, beginning with that of the Marquis of Salisbury, the special ambassador of Great Britain, who left one week ago, and ending with that of Count Corti, the Italian plenipotentiary, who has just sailed to-day.

A note from the Russian ambassador, a copy of which is inclosed, gives the situation of affairs in a few words and saves me the necessity of dwelling upon it.

No official publication of the proceedings of the conference has yet been made that I am aware of; though I understand one is in preparation at the Porte, and one may be expected also at the meeting of the British Parliament next week. My information is that the proceedings were little more than a series of inadmissible propositions and counter-propositions by the plenipotentiaries of the powers and the Ottoman representatives respectively. Finally an ultimatum was submitted on the part of the powers, which the ministers laid before a grand council of state for decision. The council, it is said, rejected it unanimously, and the conference dissolved.

Two communications from Mr. Schuyler contain some of the propositions offered by the powers for the acceptance of the Sublime Porte. \* \* \* On the part of the Turks and their partisans, it is insisted that the conference was an ignominious failure, and a great effort is made through the press to display a public opinion in that sense, a kind of effort in which the Turks are by no means deficient. \* \* \* I will not indulge in speculation, when the most sagacious confess themselves at fault, but will keep the Department informed of events as they occur, and purposes as they transpire.

I am, &c.,

HORACE MAYNARD.



[Inclosure.]

*Mr. Schuyler to Mr. Mcynard.*

CONSULATE-GENERAL OF THE UNITED STATES,  
Constantinople, January 24, 1877.

SIR: Referring to my previous reports I have the honor to inclose to you the project for the administrative autonomy of Bulgaria, as agreed upon in the preliminary conferences, and presented for the acceptance of the Porte at the first meeting of the plenary conference. With the exception of dividing Bulgaria into two districts, it is, in other language, substantially the same as the project prepared by Prince Tseretélef and myself. I inclose also the minimum or ultimatum which was rejected by the Porte at the final meeting of the conference, which is in fact a mere *résumé* of the project without any important concession.

I have the honor to be, sir, with great respect, your obedient servant,  
EUGENE SCHUYLER.

*Project for the administrative autonomy of Bulgaria, as agreed upon by the preliminary conference, and presented for the acceptance of the Porte at the first meeting of the plenary conference.*

## I.

From the territories herein designated there shall be formed two vilayets, which shall be administered as follows:

The eastern vilayet, which shall have as its capital Tirnova, shall be composed of the sandjaks of Rustchuk, Tirnova, Toulcha, Varna, Sliven, Philippopolis (with the exception of Sultan Jeri and Akhir Tchelibî), and of the cazas of Kirk-Killissi, Monstapha Pasha, and Kizil Agatch.

The western vilayet, having as its capital Sophia, shall be composed of the sandjaks of Sophia, Widdin, Nish, Uskub, Bitolla (with the exception of two cazas to the south), of a part of the cazas of Seres (the three cazas of the North), and of the cazas of Stromnitza Tikvesch, Velessa, and Kastoria.

## II.

The canton (*nahie*) becomes the administrative unit. It is formed by the reunion of communes, so that the population of the cantons shall be from 5,000 to 10,000 inhabitants. As far as possible, each canton is to be formed of a group of inhabitants of the same religion.

The cantons shall be administered by a mayor elected for four years by the cantonal council and chosen from among the members of this council.

The cantonal council shall be composed of representatives of each commune, and shall be elected for four years without distinction of religion.

The commune shall preserve its present organization.

All questions relative to the interests of the commune, such as ways of communication, assessment and collection of certain taxes, which shall be regarded as being within its competence by the commission of control, shall belong to the initiative of the cantonal council under the control of the superior authority.

The cantonal council shall meet once a month. Two of its members, elected by it for four years shall act as assistants of the mayor.

The international commission shall try to find a method of assuring the representation of minorities in the cantons.

Cities and towns, the population of which exceeds 10,000 souls, shall have municipal institutions analogous to those of the canton.

## III.

The sandjak or department is formed by the reunion of several cantons, and is administered according to its importance by a *mutassarif* or *caïmacam*. Its functionaries are Christians or Mussulmans, according as the majority of the sandjak is non-Mussulman or Mussulman. They are named for four years by the Porte on the proposition of the governor-general. These functionaries shall have as their duty the surveillance of the acts of the cantonal councils.

The *mutassarifs* or *caïmacams* shall have a chancellery and councilors, appointed by the governor general from a double list prepared by the provincial council.

The *vali* shall have the power of suspending the governors for three months, and of proposing to the Porte their dismissal.

## IV.

There shall be placed at the head of each province a governor-general (*vali*) appointed for five years by the Porte with the agreement of the guaranteeing powers. He shall receive a suitable salary.

In case of the death or resignation of the *vali*, his duties shall be provisionally performed by one of the Christian governors, appointed for this purpose by the Porte.

The *vali* cannot be removed except upon the order of the court of appeals, after having been judged and condemned.

The *vali* shall represent the supreme authority, and shall watch over the execution of the general laws of the empire as well as the application of the provincial regulations. He shall be a Christian, and may be either an Ottoman subject or a foreigner.

The *vali* shall administer the province conjointly with the provincial assembly, the members of which shall be elected, without distinction of race or religion, for a term of four years, by the cantonal councils grouped in circumscriptions, without any intervention on the part of the government.

Contested elections shall be judged by the provincial assembly itself.

The electoral circumscriptions shall be formed by the reunion of several groups of cantons. They shall represent an average population of 30,000 to 40,000 inhabitants. Each group thus formed shall elect a deputy.

The right of voting or of being eligible to office shall be given:

1. To all the inhabitants of the province above twenty-five years old, who own real estate or pay some kind of a tax.
2. To members of the clergy and ministers of the different rites.
3. To schoolmasters and teachers.

The deliberations of the assembly shall be public. The provincial assembly shall name an administrative commission for four years, which shall act as the council of the governor-general. The chiefs of the recognized religions shall be by right members of this commission, one for each confession.

There shall be at least one member of this commission for each sandjak, but the total number ought not to exceed ten. They shall have fixed salaries.

The governor-general shall be obliged to take the opinion of this administrative council in all questions which are outside of the pure and simple execution of legal dispositions, as well as in those which refer to local regulations.

## V.

The provincial assembly shall meet once a year to examine and control the budget of the province and the division of the taxes. The accounts shall be established every year by the *vali* and submitted to the Porte.

The system of the collection and division of taxes shall be modified in order to facilitate the development of the resources of the country, while diminishing charges, which at present weigh upon the population.

The *bedeli asheris* (exemption-tax from military service) can be applied only to able-bodied men, between the ages of twenty and forty years, who do not wish to enter into the local militia.

The payment of taxes in arrear up to January 1, 1877, shall not be exacted.

The custom-houses, posts and telegraphs, the duties on tobacco, spirits, and the excise shall only be collected by the provincial authorities in the measure fixed upon by the regulations at present observed in the rest of the empire. The farming of taxes shall be abolished. Those who shall renew it shall incur penalties to be fixed by a special law. The collection of the other taxes shall be regulated by the provincial assembly and by the cantonal councils.

The *vali* and the provincial assembly shall establish by an agreement every five years the budget of the revenues of the province, with a view of determining the sums to be remitted to the Sublime Porte, taking, as far as possible, as a basis for their calculations the revenues of the last ten years and the increase of the prosperity of the country.

The cantonal authorities shall divide the taxes among the communes, and shall collect, at fixed periods, the sums to be paid by it. These sums, after deducting the cantonal expenses, shall be transmitted to the treasuries of the departments.

The mode of collection of the taxes shall be left to the decision of the cantonal authorities.

A sum, which shall be fixed by the international commission, and which shall not exceed 30 per cent. of the revenues of the province, shall be paid to the branches of the Ottoman Bank, in order to be employed for the payment of the public debt, and for the needs of the central government. The rest of the revenues shall be destined for the local needs of the province.

## VI.

Until the special regulations for the administration of justice shall have been elaborated by the commission of control, the tribunals shall be organized as follows:

In the canton the mayor and his adjuncts have the powers of justices of the peace, and take cognizance, without appeal, of civil affairs in which the sum of litigation does not exceed 1,000 piasters. They have cognizance, also, of contraventions and simple police cases. They also have cognizance under appeal of suits in which the sum of litigation does not exceed 5,000 piasters. In their judgments they must take into account the particular usages of the canton.

In each sandjak there shall be created a tribunal of the first instance. It shall be composed of two judges chosen by the vali, with the sanction of the international commission, for three years. Afterwards these judges shall be chosen with the sanction of the administrative council. They shall be suitably paid. They may be appointed again at the expiration of this period, and then become immovable for life. They have cognizance of civil and criminal affairs, subject to appeal, but, if they are not equal to their duties, they may be dismissed after having been judged by the court of appeals.

A court of appeals is created in each of the two capitals of the villayets. The president and judges are named by the Sublime Porte, with the consent and approbation of the representatives of the guaranteeing powers. The judges may be either Christians or Mussulmans. They shall judge according to the Ottoman code.

An European element may be represented in the courts of appeal. In this case the European magistrates must be provided with a certificate emanating from a competent judicial authority, which bears testimony of their capacity.

The duration of the functions of the members of the courts of appeal shall be the same, and submitted to the same conditions, as for the judges of the tribunals of the first instance. The tribunals shall take cognizance of all civil and criminal cases, with the right of appeal to the court of appeals established in the capital of the province.

The sessions of the tribunals shall be public, and preliminary inquests shall be obligatory.

Cases relating to a single confession shall be submitted to the ecclesiastical jurisdiction of the competent ecclesiastical authorities, and the sentences rendered by them shall be decisive.

#### VII.

There shall be complete freedom of worship. The support of the clergy of religious establishments and of public instruction is a charge of each commune.

Any one shall be allowed to change his religion, on the sole condition that the proselytes must be women sixteen years and men eighteen years old, and before their conversion must pass a whole week with the minister of the sect that they wish to abandon.

No obstacle shall be interposed to the construction of religious edifices or to the accomplishment of religious ceremonies.

The provincial and cantonal assemblies shall provide for the necessities of public instruction by means of special taxes for the creation and support of schools.

The local language shall be employed concurrently with the Turkish language in the tribunals and in the administration.

In the cantons where the Greek language is in general use the cantonal authorities may employ it.

#### VIII.

The Ottoman regular army shall be garrisoned in the fortresses and in the chief cities, and is destined for the defense of the country against a foreign enemy. It can be employed in the interior in case of war, or at the demand of the governor-general of the province.

A militia or national guard shall be created. It shall be composed of Christians and Mussulmans, according to the proportion of their number in the population. The national guard shall not contain more than 1 per cent. of the male population. It shall be drilled separately, under the direction of officers named by the vali. If, by his order, a body of militia of more than 1,000 men shall be concentrated at a fixed point, the superior officers beneath the commandant shall be named by the Sublime Porte.

A corps of gendarmes, supported at the expense of the province, and in sufficient number to guarantee public security and to act as police, shall be composed of Christians and Mussulmans according to the number of inhabitants of each confession.

The officers shall be Mussulmans and Christians. They shall be appointed by the governor-general, and shall be distributed over the country.

The Sublime Porte shall renounce hereafter establishing Circassians in its European provinces. As to the Circassian families which are now living in Europe, it shall favor their removal by aiding them to establish themselves in the Mussulman provinces of Asia.

## IX.

The Ottoman Government shall grant a full and entire amnesty to the inhabitants of the three provinces who have been exiled or transported, or who have been arrested without having been judged by virtue of simple orders of the authorities, or by the decisions of different Ottoman commissions.

## X.

An international commission shall be appointed for one year by the guaranteeing powers. It shall be charged with watching over the execution of those regulations which shall be put in force within three months after the signature of the protocol.

*Instructions for the commission in Bulgaria.*

1. The international commission for the two vilayets, the eastern and western, shall be charged with taking part in the inquiries to be made by the government upon the authors of the massacres and other excesses; with seeking out the guilty parties, watching over the interrogatories, and assuring the punishment of the guilty.

2. The commission shall examine if it be necessary to prohibit the wearing of arms in certain parts of the province, and of watching over the restoration to the state depots of the arms distributed to the Mussulman population and to the Circassians. It shall propose any other police regulation that it may think useful to guarantee the security of the inhabitants, and its decisions shall be executed by the aid of the special gendarmery.

3. This gendarmery, paid from the revenues of the province, shall, in the beginning, be organized by means of officers, sub-officers, and soldiers drawn from European armies to the number of from 2,000 to 4,000, as well as by volunteers recruited in all parts of the empire. After the commission shall have finished its labors, this gendarmery shall remain in the service of the Porte.

4. The commission shall estimate the losses of the Christians, and shall determine the method of indemnifying them. It shall determine the means for aiding in a general way the populations which have fallen into misery. It shall provide, as far as possible, that the necessary materials be furnished for rebuilding the houses and churches.

5. The commission shall proceed to the revision of the judgments pronounced against the Christians by the extraordinary tribunals. It shall revise the titles of certain properties, in order to restore to the Christians those which were taken away from them during the insurrection.

6. The commission shall examine into complaints made against the officials, and shall have the faculty of demanding their suspension or their dismissal, which are to be pronounced by the vali.

7. The commission shall in general watch over the execution of the regulations established by the conference, and especially over the administration of justice in the elections.

8. It shall take part, according to the regulations, in the nomination of a certain number of employes.

9. It shall collect the necessary statistical information requisite to control the equitable adjustment of the taxes, and shall trace on the spot, in concert with the Ottoman authorities, the limits of the powers and the distribution of the cantons and of the departments.

10. By virtue of these dispositions, the commission shall be free to add or to cut off any canton in the cazas, situated along the boundary of the provinces, as well as to modify the present division of the sandjaks and cantons, when it shall judge it useful from a geographical, ethnographical, or administrative point of view.

11. The commission shall draw up protocols of its sessions, and in case of grave dissensions between its members, it shall refer them to the representatives of the powers at Constantinople.

12. The commission may send its members or delegates to exercise the surveillance which is incumbent upon it.

13. The commissioners themselves shall fix the place where, according to circumstances, they shall sit.

14. The president of the commission shall be renewed every month and each commissioner shall in turn perform the duties of president.

15. Finally, the international commission shall draw up a detailed programme of the labors with which it is charged. This programme approved by the representatives of the guaranteeing powers at Constantinople, shall serve as complementary instructions.

*Minimum or ultimatum presented by the conference to the Porte.*

MONTENEGRO.—Rectification of the frontier, with annexation of Banvani, Piva, Niksitch, Drobnjak, a part of Sharanzi, the district of Kalatchine, the Kutchi Drekalovitchi, the Kutchi Kraini, the Vassoicvitchi from Tivni to Lim, the Mali and Veli Brdo, Spoz and Jalbnak. An international commission for the arrangement of the frontier *ad hoc*. The liberty of navigation of the Boyana. Neutralization of the fortresses.

SERVIA.—*Statu quo ante bellum*.—The regulation of the difficulties of the limits of the frontier on the side of Bosnia. A commission of arbitration, in accordance with the hattî-sherif of 1833, for the two principalities. Evacuation by the Ottoman troops and by the troops of the principalities of the territories outside of the limits fixed. Exchange of prisoners of war, and amnesty of subjects employed in the enemy's service.

BOSNIA, HERZEGOVINA, AND BULGARIA.—The governors-general of the provinces will be named for the first five years with the consent of the powers. Special divisions into districts and sandjaks with the mutessarifs named by the Porte on the proposal of the valis for a fixed term, and into cahtaos or mudiriiks of 5,000 to 10,000 inhabitants, with the cantonal authorities freely elected by the population in each commune, and competent for every question touching the interests of the canton.

Provincial assemblies elected for a term of four years by the cantonal councils. They will establish the budget of the province upon the system indicated, and will name the provincial administrative councils of which the valis must take the advice in cases going beyond the pure and simple execution of the legal reglementary dispositions, and upon which they may refer to the Sublime Porte. Amelioration of the assessment of the taxes. The provincial assemblies and cantonal councils will have the repartition and levying of the taxes, except the customs duties, posts, telegraphs, and taxes on tobacco and spirits, and the régîe. The complete abolition of the farming of taxes. The remittance of taxes in arrear. The fixing of the budget of the province for five years on the average of the revenues. A part will be applied to the payment of the public debt and to the needs of the central government, and the rest to the needs of the provinces. The reorganization of justice in the sense of a greater independence of the judiciary. Nomination of the judges of the civil and criminal tribunals by the valis, with the consent of the administrative council, and of the members of the court of appeal by the Porte on the proposal of the valis. Publicity of the sittings of the courts and of judicial inquests obligatory. Exclusive jurisdiction of the ecclesiastical authorities for special causes of the different religious communities. Entire liberty of religion. Support of the clergy, the religious establishments, and of public instruction by the communities themselves. Guarantees against forced proselytism. Use of the language of the country in the tribunals, and the administration on an equality with the Turkish. Absolute prohibition to employ irregular troops. Formation of a militia and gendarmery of Christians and Mussulmans in proportion to the population, with subordinate officers named by the governor-general. Prohibition of the colonization of Circassians. General amnesty for Christians condemned and proscribed for political causes. Amelioration of the condition of laborers and farmers in Bosnia and Herzegovina. Facilities for the acquisition of lands of the state, as also for the return of emigrants. The execution of this project within a fixed term of three months. Commission of control. Two commissions of control will be named by the powers to watch the execution of the ultimatum and to assist the local authorities in taking the different measures touching public order and security. These commissions will receive special instructions.

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No. 320.

*Mr. Maynard to Mr. Fish.*

No. 130.]

LEGATION OF THE UNITED STATES,  
Constantinople, February 10, 1877. (Received March 9.)

SIR: I have the honor to announce a very important change in the ministry during the present week.

On Monday, the 5th, it was rumored that the grand vizier, Midhat Pasha, had been succeeded by Edhem Pasha, recently Ottoman ambassador at Berlin, and one of the representatives of the Sublime Porte in the late conference; and toward evening the rumor was confirmed by an "extra" from one of the daily papers. The next day the change,

with many others, was formally announced, and the reason for it given in a long and carefully-prepared article, manifestly emanating from the Porte, and is, therefore, the explanation which the public is asked to accept. I append a copy of the announcement and of the explanation.

The papers of Thursday, the 8th, contained the imperial *hatt* (decree) and other paragraphs relating to the same subject, which are also inclosed.

Nothing has happened since the massacre of the consuls at Salonica in May last which has so completely dumbfounded the class of persons known as Turcophiles. They are silent with astonishment and mortification. With them, his highness Midhat Pasha was the ideal of Turkish statesmanship—a reformer and a true patriot. He had been a prime favorite with the British embassy, and was relied upon to circumvent and bring to naught the machinations imputed to Russia. It was he who had compassed the fall of the late Sultan Abdul-Aziz and the deposition of Mourad V; who had escaped the assassin when his associates, Hussein Avni Pasha and Rachid Pasha, were slain; who had marshaled “Young Turkey” and the Softas alike under the attractive banner of reform; who had supplanted the moderate and prudent Mehemet Ruchdi Pasha, and, constitution in hand, had assumed for the second time the high office of grand vizier; and who had spurned the conditions offered by the conference, bidding defiance to the great powers of Europe, and asserting loftily the independence of Turkey.

That he should have been set aside by the Sultan was bad enough, but the reasons assigned for it were infinitely worse. If they were true, a gross imposition had been practiced by this honored and trusted functionary; if they were not true, a depth of turpitude in Turkish councils had been reached lower than anything yet charged by the bitterest enemies.

A sketch of Midhat Pasha has just appeared, evidently from one of this class of admirers, a little rhetorical and sensational perhaps, but giving biographical facts and incidents, I presume, accurately. He is represented as violent and vindictive and ambitious. He was grand vizier from July 31 to October 18, 1872, eighty days, when he was succeeded by Mehemet Ruchdi Pasha, chiefly, says Mr. Boker, by reason of the Sultan’s personal dislike. We are told in the sketch just referred to, that he “then began to conspire with England, with the Ulemas, with the Sheikh-ul-Islam, and, it is said, even with Russia.” My previous dispatches have shown how he clambered back to his former post, which he reached on the 18th of December last, maintained less than fifty days to be driven out in disgrace and sent an exile to a point which, if his enemies are wise after their kind, he will never reach.

It is due to him to add that unofficial people discredit wholly the charges of treason and conspiracy against the Sultan, and ascribe his overthrow to an intrigue, of which the head is Mahmoud Damad Pasha, a brother-in-law of the Sultan, following the immemorial usage of the Sublime Porte. His successor, Edhem Pasha, has not hitherto been conspicuous in public affairs, and no one has much to say about him. I called on him with the other members of the diplomatic body and was favorably impressed with his language and his manner.

I am, &c.,

HORACE MAYNARD.

[Inclosure 1 in No. 130.]

## THE CHANGE OF GRAND VIZIER—MINISTERIAL AND ADMINISTRATIVE NOMINATIONS.

Yesterday afternoon, His Highness Edhem Pasha was formally installed at the Porte, with the customary state ceremonial, as successor to His Highness Midhat Pasha in the Grand Vizierate. The imperial hatt, which raises Edhem Pasha to the dignity of grand Vizier, also nominates Khourshid Pasha, governor-general of Aleppo, to be *musteshar*, or under secretary of state of the Grand Vizierate. The office of minister of the interior, which was created during the administration of the late A'ali Pasha, but suppressed after the death of that statesman, has been revived, and Djevdet Pasha, now minister of justice, has been appointed the new minister of the interior, Costaki Adossides Pasha, now president of the Pera municipality, being named *musteshar*. Under secretary of state of the ministry of the interior, Kadri Bey, prefect of Constantinople, succeeds the new Grand Vizier, Edhem Pasha, as president of the council of state, and is raised on the occasion to the rank of *mushir* and *vizier*, thus becoming Kadri Pasha.

His Excellency Ahmed Vefik Effendi is named president of the new Ottoman Chamber of Deputies. Ohannes Tchamitch Effendi is raised to the rank of *bala*, and appointed minister of commerce and agriculture in place of Halim Pasha, named a member of the new Ottoman Senate. Assym Pasha, governor-general of Adrianople, is appointed minister of justice, as successor to Djevdet Pasha, and is succeeded as *vah* of Adrianople by Ali Pasha, lately governor-general of the Herzegovina, and formerly ambassador in Paris. Sadyk Pasha, at present ambassador in Paris, has been named governor-general of the province of the Danube in place of Rifaat Pasha, who succeeds Hourshid Pasha as *vah* of Aleppo. Ohannes Effendi (Sakis), president of the court of appeal, is appointed under secretary of state (*musteshar*) of the ministry of public instruction.

Ahmed Moukhtar Pasha, late in command of the military operations in the Herzegovina, and recently named governor-general of the Island of Crete, has been appointed commander-in-chief of the fourth army corps, in place of Samih Pasha, appointed *vah* of Crete. Said Bey, ex-*musteshar* of the Grand Vizierate, is named a member of the council of state.

[Inclosure 2 in No. 130.]

[From the Daily Levant Herald of February 6, 1877.]

Yesterday added another heavy blow to the battery of shocks by which this sorely-tried empire has lately been besieged. The minister in whom all hopes were centered, and whom popular opinion held to be the very personification of patriotism and the *me plus ultra* of high-mindedness and integrity, has been detected in a shabby and traitorous plot to overthrow the Sultan and establish himself as dictator under the nominal rule of one whose mind is dead. From the hour of Midhat Pasha's elevation to the Grand Vizierate it was known that no mutuality of confidence existed between the sovereign and his minister. The firmness of the Sultan clashed with the unyielding character of Midhat, who would have preferred serving a more pliant sovereign, and, in his less-guarded moments, expressed this preference. Moreover, the Sultan always doubted the sincerity of Midhat Pasha as the champion of a liberal policy, and in the many qualifications and reservations which deteriorate the charter of the constitution, discerned an *arrière-pensée*, which, by the unveiling of the present plot, is proved to have existed. The relations between the sovereign and the late Grand Vizier were, therefore, never cordial, and the inflexible, high-handed manner of Midhat provoked more than one remonstrance on the part of the Sultan. The immediate cause of the actual rupture which awakened suspicion and led to the discovery of Midhat's rash design arose from the Grand Vizier's neglect to give effect to a desire frequently and strongly expressed by His Majesty to strengthen the public service by the introduction of foreigners, and more especially of Englishmen of experience, in leading positions in all departments. It seems that last week this question formed the subject of some remarks on His Majesty's part, who took the Grand Vizier to task for not having given any effect to his wishes. The Grand Vizier replied curtly; the audience terminated, and, on returning home, Midhat Pasha addressed a letter to the Sultan in terms which, to say the least, were undereferential, and which were a sort of paraphrase of a not very happy speech lately made by Zia Pasha at Smyrna. Summoned to the palace to give an explanation of his letter, the Grand Vizier imprudently disobeyed the imperial command, and continued to absent himself from the palace, although the order to attend was repeated on three successive days.

This unguarded defiance of his sovereign aroused suspicions, the police were set on the alert, and on Sunday a correspondence was discovered which convicted Midhat of

plotting to compel Abdul-Hamid to abdicate. Yesterday morning, therefore, a peremptory message was sent to Midhat to present himself at Dolma-Baghtché, which he had no alternative but to obey. On entering, his highness was immediately placed under arrest, and required, by the first chamberlain, to give up the vizierial seals. He was then shown the letters which brought home to him his connection with the conspiracy, and, as there was no denying the evidence of his own letters, Midhat Pasha threw himself upon the clemency of his sovereign. A council of ministers being called, the ex-Grand Vizier was declared guilty of high treason and worthy of death. But the Sultan reminded the ministers that under the constitution no man could be condemned without a public trial. Midhat was then asked whether he would prefer being placed on his trial for high treason, or quitting Ottoman territory. Electing voluntary exile, his highness was next asked if he would go to Greece, but this he declined, saying that he would prefer being sent to Brindisi. Complaining of having no ready money at his disposal, a sum of five hundred pounds was handed to him, and shortly afterward he embarked for the destination of his choice on board the imperial yacht Izzeddin.

Such we believe to be the facts connected with this lamentable incident. It is in every way deplorable; as an example, it is bad; as a disturbing influence, it is unwholesome; as a specimen of what the friends of Turkey have to hope for, it is to the last degree melancholy. Still the facts before us prove that the Sultan has acted with prudence, clemency, and firmness, and the display of these qualities at such a juncture has, no doubt, saved the capital from disturbances. More than this, however, it has placed the sovereign before the people in a new light, revealing to them those qualities of heart and mind which win for a sovereign the confidence of his people, and gain him a lasting place in their affection.

[Inclosure 3 in No. 130.]

#### THE IMPERIAL HATT.

The following is a translation of the imperial hatt relative to the change of Grand Vizier:

*To my illustrious Vizier Edhem Pasha:*

Having taken into consideration the requirements of our epoch, and the new situation occupied by our empire, we have established the constitution by our own free will and initiative, the happy results of which it is to be hoped may inspire all with respect and confidence, and assure the future welfare of the country.

The realization of this aim depends greatly on the conduct of public functionaries of all ranks in the official hierarchy, who are enjoined to keep strictly within the limits of their several departments, and in no manner to transgress the laws laid down for their guidance; while, on the other hand, the loyal execution of all essential measures for the maintenance of the principle of equality which we have proclaimed in favor of all our subjects must be strictly carried out. To do this, it has been found expedient to make important changes in the ministry, and in the *personnel* of the same. The retirement and departure of Midhat Pasha having been rendered necessary in consequence of certain events which come under the jurisdiction of the constitution, we, in accordance with the provisions of the charter, and in full knowledge of your highness's capacity, invest you with the office of Grand Vizier. The constitution having ordained the administrative decentralization and the reform of the provincial organization, the salaries of the *caïmacans* of the *cazas* (districts) must be augmented in a reasonable manner, and the nomination of the functionaries in question must only take place after the most minute inquiry—the same rule equally applying to the *mutessarifs*. These nominations must be submitted to our approval, and projected laws to this effect will be presented to the Chamber of Deputies for its consideration.

Interior affairs ought to acquire greater importance and extension, and for this reason the office of minister of home affairs will be re-established and will be brought into direct relationship with the provincial authorities. Djevdet Pasha, minister of justice, is therefore appointed to fill the post of minister of home affairs, uniting, as he does, all the qualities necessary for this office by his well-known knowledge and experience.

Seeing that various projects of law having their origin in the constitution must be created without delay so that they may be submitted to the Chamber of Deputies which will speedily meet for business, the post of president of the council of state acquires greater importance than formerly. We have named Kadri Bey, prefect of Constantinople, to this office, raising him at the same time to the rank of vizier.

Assim Pasha, vali of Adrianople, is appointed minister of justice.

The vilayets of Adrianople and of the Danube being at the present moment of special



importance, it is essentially necessary that functionaries of well-known intelligence should be placed at the head of their administration. Therefore, Sadik Pasha, our ambassador at Paris, is named vali of the province of the Danube, and Ali Pasha, ex-vali of the Herzegovina, is appointed to the same office at Adrianople.

We have equally confided to Ohannes Effendi (Tchamiteh), member of the council of state, who possesses special knowledge on the subject, the post of minister of commerce and agriculture, raising his excellency to the rank of *bala*.

Ahmet Moukhtar Pasha, at present vali of Crete, is nominated commander-in-chief of the fourth army corps, replacing Samih Pasha, who is appointed governor of Candia.

A certain means of assuring good government to the country is the assistance which our ministers and councilors receive from functionaries at once capable and intelligent. For this purpose we have decided to select special agents from Europe, whose advice on financial matters will be beneficial to the empire at large.

Hourchid Pasha, governor-general of Aleppo, is named councilor of the grand vizier and president of the commission charged with the choice of the *kaimakams*. This commission will be composed of members of ministerial departments and of councilors of state.

Rifaat Pasha, ex-governor-general of the vilayet of the Danube, will go to Aleppo to fill a similar post there.

Costaki Bey, president of the sixth municipal circle, is created councilor of the ministry of the interior.

Ohannes Effendi (Sakis), president of the court of appeals of Constantinople, has been appointed councilor to the ministry of public instruction.

According to article 77 of the constitution, which deals with the choice and nomination of the president of the Chamber of Deputies, the law relating thereto will be put in force and take effect from the commencement of the ensuing year.

Article 65 of the constitution prescribes the number of deputies to be elected according to the population.

The provisional president of the Chamber of Deputies for this year, which is regulated according to the provisional institutions specified in article 119 of the charter, will be Vesik Effendi, the uprightness and loyalty of whose character, as well as his capacity for directing parliamentary debates, are universally acknowledged.

The ex-minister of commerce, Halim Pasha, is named member of the Senate, and the ex-councilor of the grand vizier, Saïd Effendi, will become a member of the council of state.

We are anxious that our orders should immediately be put in practice, and that every one should labor without ceasing to fulfill the laws of the constitution. You are required to put in force all the reforms which circumstances may render necessary, and you are called upon to submit to our high approbation all the decisions regarding the same.

May the Most High condescend to grant success to our efforts.

[Inclosure 4 in No. 130.]

#### MIDHAT PASHA.

We take from the Pall Mall Gazette the following brief summary of the portrait of Midhat Pasha, given in the Journal des Débats by "Ignotus", a writer who has written several remarkable political sketches:

"Ignotus" says of the ex-grand vizier: He brings to the Eastern question a new and unforeseen element—that of the revolution. The old empire has been reanimated with the aid of arsenic, that medicament which saves or kills in certain maladies. The work is too grandiose for the portrait of the workman not to be interesting. Midhat Pasha was born at Constantinople in 1822; his father was a high functionary. There is a legend of Midhat in his youth having been chained to the corpse of a faithless spouse and flung into a ravine, but this is doubtful. What is true is that Stefanaki Bey, looking over the papers of his father, found the following note: "Midhat, secretary of the grand council, will lead Turkey far and go far himself." It is said that women are wanting in Turkish history; but this is an error. The Turkish woman, nothing as wife and sister, plays a prominent part as mother. The mother and son, until he is twelve years old, are imprisoned together. The Turk is doubly the son of his mother. Now, the mother of Midhat was an Albanian, and he has the defects and the qualities of the mountain race of Albania. He is energetic and violent. He is vindictive and honest. His temperament is that of a wild mountaineer and a fine gentleman. His defects have become almost virtues. His father was a Turk, lulled in Oriental slumber. His mother was as beautiful and lively as a Circassian. At eighteen years of age Midhat entered into the "translating office" of the Sublime Porte, which is the nurs-

ery of Turkish statesmen. At nineteen he went to Syria as secretary to Faik Effendi. Midhat afterward became secretary of the grand council, and rose in position. He was made governor of the vilayet of the Danube, and he set up as a reformer. He is one of the men upon whom "Young Turkey," whose views have never been clearly defined, but which are essentially revolutionary, counts. The principal members of the "Young Turkey" party were soon condemned to death or exiled. Midhat was afterward named governor of Bagdad, and increased his reputation. The grand vizier was alarmed, and recalled him. He was next appointed governor of Adrianople, and before starting for that place demanded an audience with the Sultan. There he spoke respectfully but firmly to Abdul Aziz. The Sultan listened without uttering a word, and then said, "You are grand vizier." This greatly astonished poor Mahmoud Nedin. Unfortunately, three months afterward the Sultan rejected the constitution which Midhat presented. Midhat fell, and then began to conspire with England, with the Ulemas, with the Sheik-ul-Islam, and, it is said, even with Russia. Midhat represents a great, patriotic idea. After the abdication of Abdul Aziz some one said, "Thank God, it is finished"; but Midhat replied, "It has only commenced." The grand vizier is the impersonification of what is most elevated in the Turk, as Count Cavour and Prince Bismarck of what is most elevated in the Italian and the German. On December 19, 1876, Abdul Hamid made Midhat Pasha grand vizier. The "Young Turkey" party already finds him too monarchical. But no one is better than a conspirator who has succeeded, to stifle conspiracies. He has given offices to the revolutionary party, which is the true way of putting them under restraint. And then Midhat invented the famous adage, which is the *résumé* of his life and his work, "Religion is the love of country." He created a Mussulman-Christian empire. This is the first word of his constitution, which is a sonorous variation on the patriotic chord. By means of the constitution Christians vote against foreign Christians; the cross and the crescent are placed together on the same banner. Rome forgets her secular quarrel with her younger sister, Constantinople; Catholics of all countries pray for Midhat. This man arrested the holy war which would have crushed his country; he invented a purely national war. The patriarchs are with him. Turkey, if she triumphs, will sing a Mussulman and Christian "Te Deum"; and should she expire, a crescent and a cross will be placed over her grave. When Midhat prays, what does he pray for, this grand vizier of the new empire? Midhat is a good Mussulman, and speaks with the greatest respect of Christianity. He likes France, but desires to do otherwise than we have done. He speaks French, like every well-educated Turk at Stamboul. He is a man of eloquence, but theatrical in manner, and to Oriental imagery joins the vigor of the West. One might say that the grand vizier has put out the lights on the stage where he performs. Everything is in confusion. History has been turned topsy-turvy, as a table covered with papers when the wind rushes suddenly in. Midhat Pasha, responsible as an English minister, represents rather the Turkish people than the Sultan. Mohammed copied our Gospels; Midhat copies our Revolution.

[Inclosure 5 in No. 130.]

[Extracts from various journals on the fall of Midhat Pasha.]

#### MIDHAT PASHA.

The intercourse between His Majesty the Sultan and the ex-grand vizier, on the occasion of his highness's dismissal, was not personal. Midhat Pasha did not see the Sultan, but His Majesty communicated with him through Saïd Pasha, marshal of the palace. On the documents which indicated his connection with the plot being exhibited to him, Midhat Pasha exclaimed, "I am the victim of a Russian plot." The police department is now engaged in a thorough investigation of the matter. Meanwhile Midhat Pasha travels in Europe. He is not under sentence of exile, and his temporary banishment has no penal character. It was adopted as a prudential measure, justified by the circumstances, as well as by the constitution itself, article 113 of which ordains as follows:

"His Majesty the Sultan has the exclusive power of expelling from the territory of the empire those who, upon trustworthy information received by the police, are found to be causing injury to the safety of the state."

It is impossible to form any notion at present of the extent to which Midhat Pasha was involved in the plot discovered by the minister of police; but the investigation now in progress, and the examination which Shefket Pasha, Kemal Bey, Shefket Bey, and others will undergo, will reveal the true state of the case. Midhat Pasha's friends pronounce him incapable of conceiving any such design, but think it possible that, without directly seeking the results aimed at by the conspiracy, he may have favored and encouraged views and ideas tending to produce those results, and may in this manner have helped to give consistency to the project.

## CHANGE OF GRAND VIZIER.

The following is a copy of the telegram sent by Savfet Pasha, minister of foreign affairs, to the representatives of the Porte at foreign courts, dated the 6th February, 1877 :

“Midhat Pasha, having been relieved of his post of grand vizier, in consequence of proceedings on his part calculated to shake public confidence, has also received orders to quit Ottoman territory, in virtue of article 113 of the constitution. ‡

“This change implies no modification whatever in the intention of the sovereign will to alter the constitution or the policy of the imperial government. His Majesty, the Sultan, by his imperial hatt of yesterday, prescribes anew the carrying out and rigorous application of all the liberal reforms inaugurated by the constitution.

“In announcing this information to your excellency, you are enjoined to communicate the same to the minister of foreign affairs of the government to which you are accorded.”

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No. 321.

*Mr. Maynard to Mr. Evarts.*

No. 144.]

LEGATION OF THE UNITED STATES,  
*Constantinople, April 7, 1877. (Received May 14.)*

SIR: The new constitution for Turkey proclaimed the 23d of December last (see my dispatch, No. 113, dated December 26, 1876), has made such progress that the General Assembly, a legislative body contemplated by it, has convened and commenced deliberations.

The opening was announced for the 19th of March by an invitation from the Sublime Porte, of which a copy is inclosed. As a spectacle the ceremony was grand. The palace stands on the European shore of the Bosphorus, just opposite the Seraglio, and is the same occupied by the late Abdul Aziz and Murad V. The hall of the throne is lofty and very rich in its architecture, and capable of holding on the floor at least one thousand persons. On this occasion there were five hundred or more present, two hundred of whom probably were soldiers of the imperial guard.

In front of the throne stood the members of the two houses, the Senate on the right and the Delegates on the left, strips of carpets laid on the polished floor for the accommodation. At the right were ranged the grand vizier and the ministers; at the left the Sheikh-ul-Islam and the Ulemas, or doctors of theology and law. All present were in high costume, except the delegates, the chosen of the people, who wore the ordinary dress.

The Sultan entered by a side door, bearing his address in manuscript, which, after mutual salaams, he delivered to the grand vizier, who gave it to an under-secretary to be read. During the reading, which occupied perhaps thirty minutes, the Sultan and all present remained standing. At the close, the Sultan retired with renewed salaams, and the assembly dissolved. The address was translated officially from the Turkish into the French and published. I inclose a copy with an English version; also some articles from the press, descriptive of the affair.

The senators are appointed by the Sultan, and for life; their number not to exceed one-third the number of deputies. The number at present is thirty-two, twenty-four mussulmans and eight non-mussulmans. The deputies number one hundred and four. The president of the deputies, appointed by the Sultan, is Ahmed Vefik Pasha, reputed to be the most learned of the Osmanlis. (See the imperial hatt, inclosed with my

dispatch No. 130, dated February 10, 1877.) By article 53 of the constitution, all bills must originate with the ministry. The inclosed extract from one of the journals gives a list of those already contemplated and various other information pertinent to this novel organization. Up to this time the deliberations of the two houses have been chiefly directed to a reply to the address from the throne, which, though completed and presented to His Majesty the Sultan, has not, I think, been published.

To-day I have attended for the first time the session of the House of Deputies. The Turkish is the official language, and, as I was unaccompanied by a dragoman, the proceedings were unintelligible. Decorum and order prevailed and strict attention was observed. The discussions were marked by brevity and apparent point. The arrangements for the accommodation of the members are analogous to those of the old hall of our House of Representatives. Such a body is a great innovation upon the traditionary usages of this government. I shall watch the experiment with great interest. I have not yet attended the sessions of the senate.

I have, &c.,

HORACE MAYNARD.

[Inclosure 1 in No. 144.—Translation.]

*Note of invitation from the ministry of foreign affairs to the United States legation.*

SUBLIME PORTE, MINISTRY OF FOREIGN AFFAIRS,  
March 18, 1877.

The minister of foreign affairs has the honor to inform the minister resident of the United States of America that His Imperial Majesty the Sultan will open the chambers to-morrow, Monday, at seven o'clock, Turkish time, in the hall of the throne at the palace of Dolma-Baghtché.

Reserved places are put at the disposal of the heads of missions who desire to witness, in full dress, this ceremony, with their first secretaries and first dragomans.

[Inclosure 2 in No. 144.—Translation.]

*Address of His Imperial Majesty the Sultan, at the opening of the first session of the Ottoman Parliament, the 4th of Rebi-ul-ewel, 1294, 7, (19) March, 1877.*

SENATORS AND DEPUTIES: It is with the greatest satisfaction that I open the Parliament of my empire, which meets to-day for the first time. You all know that the development of the greatness and strength of states, as well as of people, depends upon justice. My imperial government has derived, from the beginning, its strength and influence in the world from the regard it has shown to justice, both in the administration of the state and the rights and interests of all classes of its subjects.

One of my ancestors, Sultan Mehnud, the Conqueror, of glorious memory, granted certain immunities to secure individual liberty, the freedom of conscience and worship. Following his example, my august predecessor never permitted any restraint to be placed upon the freedom of conscience and worship. It is indisputable that it is by a natural consequence of this same principle of high justice that our different populations could preserve for six centuries their national character their language, and their religion.

It is by favor of the respect which then surrounded justice and the application of the laws that the wealth and prosperity of the state and of the nation had received so remarkable a development; but at length the provisions of the *shéri* and the established laws being no longer observed, the course of progress abated and the first strength turned into weakness.

But my grandfather, Sultan Mahmoud, of happy memory, having dispelled the disorder, the real cause of the weakness with which the state was afflicted for a long time, and averted the crisis provoked by the revolt of the janissaries, delivered the

state and the nation from the bonds which hindered their scope, and he first opened the way to the introduction into our country of the civilization of modern Europe.

My illustrious father, the late Sultan Abdul-Medjid, following this noble example, promulgated the *Tanzimat*, which guarantees the life, the property, and the honor of our subjects. Since then the commercial and agricultural resources of our empire have developed, the revenues of the state have in a little time considerably increased, laws and regulations have been elaborated to favor the ameliorations, and finally the introduction into arts and sciences has acquired a remarkable extension.

The first attempts at reforms and internal security of the state were leading to the hope of a future of progress and prosperity for the empire; but unhappily the Crimean war broke out and arrested the efforts which were tending toward the amelioration of the condition of the empire and its inhabitants. Until then our imperial treasury had never contracted a foreign debt, but in view of the impossibility of meeting the urgent expenses of the war from our own revenues, it was necessary to resort to foreign loans. It is in this manner that the way to loans has been opened. It is true that the great allied powers, recognizing the justice of our cause, tendered us a complete and efficacious concurrence which will be accounted a grand page in the annals of history, and thanks to which a treaty of peace has been concluded which places the integrity and independence of our empire under the guarantee of the European powers. It was then permitted to believe that that place would assure in the future the time and means of re-establishing our internal affairs, of making the country surely enter upon the road of progress.

Unhappily, the events which succeeded brought about a result the reverse of that which would be expected; intrigues and blameworthy excitements, by creating successive internal embarrassments, not only have prevented us from devoting ourselves to the reorganization and reform of the state, but also have placed us under the necessity of each year mobilizing extraordinary army corps, and of keeping in active service an important part of the valid population of the country. The development of our commerce and agriculture has been trammelled. In spite of so many difficulties and hinderances the moral and material progress, however, has not stopped. The constant increase of the revenues of the state for twenty years is a proof of the improvement which has not ceased to operate in the condition of the country and the welfare of the populations.

Although our present troubles proceed from the circumstances which have just been enumerated, still it would have been possible to sensibly diminish their import, and to preserve the credit of the state, if, in the administration of the finances, the principles of a rigid honesty had been maintained. But the measures which were taken at that time, with a view, apparently, to improve the finances, could only augment the gravity of the situation for the moment, as, without regarding the future, the only care was to procure momentary relief.

The continuance of these difficulties, added to the necessity of providing ourselves with new war material and an iron-clad fleet, which have become the principal elements of the military power of states, and besides the non-observance of the rules of economy which ought to regulate the budget of receipts and expenses, have gradually introduced disorder in our finances, have increased our debts, and finally have brought us to the state of extreme embarrassment in which we find ourselves to-day.

Meanwhile, under the influence of intrigues and subversive practices, there were brought forth in the Herzegovina events which speedily assumed most considerable proportions.

Hostilities with Servia and Montenegro suddenly broke out, and serious complications arose in the political world. It is at the moment when this crisis attained its greatest intensity that, by the will of the Most High, I have been called to occupy the throne of my august ancestors.

The difficulties and dangers which our general situation presents cannot be compared to any other crisis my empire has sustained up to this time. I have been obliged, in the first place, in order to guard the rights of the empire, to increase the effective force of my armies at different points, and to call to arms 700,000 combatants. Then I considered it my duty to search for the means of a fundamental reform, to put an end, with the aid of God, to the disorder of the situation, and also to so guarantee our future in a permanent manner.

It is evident, by reason of the resources which Providence has given to our country, and of the aptitude of my subjects, that a good administration would permit us in a little time to make considerable progress. If we have not reached the level of the progress of the civilized world, we should look for the cause in the instability of the institutions necessary to the state, and in the laws and regulations which result from it, which instability proceeded wholly from the fact that it was the work of an absolute government, which disowned the salutary principle of common-deliberation.

The progress obtained by civilized states, the security and the prosperity they enjoy, are the fruit of the participation of all in the establishment of laws and in the administration of public affairs. I thought it necessary to seek for us also in this manner the

means of attaining progress by giving the general suffrage of the country for a base to our system of legislation, and it is to this end that I have promulgated the constitution.

By the creation of these new institutions, my object has been not so much to invite the populations to assist in the general conduct of affairs as to make these institutions serve as a powerful instrument for reform in the administration, and for the uprooting of abuses and arbitrary practices.

Independently of the advantages inherent in it, the constitution is intended to lay the foundations of fraternity and union among my people, and to open also the way to prosperity to be equally shared by all.

My illustrious ancestors won great victories which united under their scepter the various populations which inhabit this vast empire. It remained, however, to rally the people, so different in their creeds and nationalities, under a law unique in the sentiment of a like existence. Divine Providence, in its inexhaustible bounty, has willed that this work should be accomplished.

Hereafter all my subjects, having become children of the same country, and being under the tutelary protection of one law, will be called by one name, that name so loftily borne by my ancestors for six hundred years, and which has left so many recollections of glory and grandeur in the annals of history. The Ottoman name, until the present time personifying the idea of force and power, will, I am convinced, symbolize in the future the maintenance in a single bond of the interests, henceforth identical, of all my subjects.

By inspiring myself with these principles and intentions, I have marked out the way in which I am resolved to persevere. I now expect, with your efficient and intelligent assistance, to receive from a constitution founded upon justice the results for which it is proper to hope.

I have concluded that it was of prime importance, in order to secure the liberty and equality of my subjects, to put an end to arbitrary rule; to place the enactment and the application of the laws and the conduct of affairs under the control of the will of the country, and, in short, to the rules of our administrative system to join the constitutional and deliberative principle.

In order to realize my most cherished wishes on this subject, I have determined on the meeting of a parliament, made up of a senate and house of deputies.

It is incumbent upon you at the present time to faithfully and righteously perform the legislative duties intrusted to your patriotism. In this task you should not allow yourselves to be influenced by any personal consideration, and in the faithful execution of your labors you should not have in view anything but the safety and well-being of the state and of the country. The improvements needed to-day and the administrative reforms expected from every side are of the highest importance. The gradual application of these measures depends upon the harmony which will prevail among you. On the other hand, the council of state is occupied with elaborating projects of law which will be submitted to you.

During the present session your attention will be occupied with the scheme for the internal regulation of the chamber, the electoral law, the general law relating to the vilayets and the communal administration, the municipal law, the code of civil procedure, the laws relating to the reorganization of the tribunals, to the manner of promoting and pensioning judges, to the functions, and the right to pensions, of all public servants in general, with the law of the press, with the exchequer, and finally with the law on the budget. I especially desire that these different laws should be successively studied, discussed, and deliberated.

You will be urgently occupied with the reorganization of the tribunals, the only safeguard of individual rights, and the formation of a corps of gendarmery. This twofold object can only be attained by the increase of the amount of the special allowance.

Then, as you will perceive by the budget submitted to the chamber, our finances are in an extremely embarrassing condition.

I suggest that you apply yourselves first of all to the adoption in common of measures suitable for warding off the difficulty of the situation, and for re-establishing the state credit, always careful at the same time to take measures proper to secure the funds required by the urgent reforms.

One of the greatest needs of my empire and of my subjects is the development of agriculture and industry. This result, so indispensable to the progress of civilization and the increase of wealth, is closely united to the development of science and public instruction.

Schemes of law, having in view the improvement of scholastic institutions and the adoption of a fixed course of study, will be submitted to you at your next session.

As to what regards the proper application of the before-mentioned laws, as well as those which it will be necessary to provide later, the utmost importance should attach to the choice of State officials. My ministers will devote the greatest care, and at the same time will personally superintend the putting into effect, of the system of rewards and encouragements that the constitution has established in favor of worthy employes.

Since the day of my accession, penetrated with this truth, I have decided to found, at my own expense, a school destined in future to furnish the *personnel* of the general administration. Also, as it is said in the regulations of that school, the pupils coming from this establishment may aspire to the highest administrative and diplomatic positions, and their number will be recruited without distinction of creed from among all classes of my subjects, and their promotion will depend upon their attainments.

During two years we have had to face internal complications. In this period, notably in the strife with Servia and Montenegro, my faithful subjects have given proofs of patriotism, and my troops, at the cost of great suffering, have accomplished feats of courage and valor that I highly appreciate.

In all these events, we have had nothing in view except the defense of our rights. The efforts we have put forth in this regard have resulted in the re-establishment of peace with Servia. The provisions to be adopted by reason of the negotiations undertaken with Montenegro will be submitted for your examination at your first meeting, and I strongly recommend you to hasten your deliberations on this subject.

My relations with foreign powers are always impressed with that amity and deference which constitute a most precious tradition for my empire.

Her British Majesty's Government having proposed some months ago to gather a conference in my capital, and the other powers having supported the proposed basis, my Sublime Porte joined this conference. If the meeting did not come to a final understanding, we have none the less shown a desire to take precedence in the application of the wishes and counsels of the powers, provided they are in conformity with the treaties, the rules of international law, the imperious necessities of our situation, and our rights. The causes of this non-agreement are to be found rather in the form and the process of application than in the question itself.

I highly appreciate the imperious necessity of carrying to a still higher degree of perfection the progress already so considerably realized, from the origination of the *Tanzimat* until to-day, in all branches of the administration, and in the general situation of my empire. All my efforts will be consecrated to this endeavor. However, I consider it one of my chiefest duties to see to it that no prejudice of whatever character should be wrought to the dignity and independence of my empire. Time will demonstrate to all the loyalty and purity of my intentions.

My purpose being to persevere in the maintenance and defense of our rights and independence, I shall in no case be diverted from it in my subsequent acts.

Both before and after the conference my government has constantly given proofs of its sincerity and moderation, which I am pleased to think will contribute to strengthen more and more the bonds of friendship and sympathy which unite us to the great European family.

May the Omnipotent deign to accord success to our common endeavors.

[Inclosure 3 in No. 144.]

*Articles from the press descriptive of the opening of the General Assembly.*

#### OPENING OF THE IMPERIAL OTTOMAN PARLIAMENT.—THE SULTAN'S SPEECH.

Yesterday afternoon the Sultan received, at the palace of Dolma-Baghtché, the members of the Turkish Parliament, assembled in Constantinople for the legislative session, which opens to-day.

The ceremony was held in the great reception-hall of the palace, at one end of which was placed the golden throne of the Sultan. On either side of the hall were laid strips of rich carpet to mark the standing-places of the ministry and other high functionaries and dignitaries of the Ottoman Empire. In the center of the hall were laid transverse strips of carpeting, marking the place for the senators on the right and of the deputies on the left, facing His Majesty. Outside the carpet, the imperial men-at-arms formed a line of scarlet and gold, thrown into relief by a black line of riflemen behind. This frame-work was gradually filled up by those who had been bidden to attend the ceremony. The first to enter were the members of the press, to whom a place was allotted in the left transept. On the same side of the hall, nearer the throne, was the diplomatic quarter, and in front of these two were ranged in line the Sheikh-ul-Islam, with the *cazi askers*, and *ulemas* of the highest rank, representing the judicial and ecclesiastical body, and behind them stood the generals of division. On the right of the throne, opposite to the foregoing, were ranged the cabinet ministers, members of the council of state, under-secretaries of state, and the ecclesiastical chiefs of the Christian communities and Israelites. Before these latter took their places, and as soon as the packing of the left side of the hall was completed, the deputies were ushered in with Ahmet Vefik Effendi, president of the chamber, at their head. Then fol-

lowed the senators, and, as soon as they had taken their places, the right-hand side of the hall was filled, in the order mentioned above, the grand vizier taking his place nearest to the throne.

At two o'clock precisely the doors of the Sultan's retiring-room were thrown open, and, preceded by Kiamil Bey, grand master of the ceremonies, His Majesty took his place before the throne, Kiamil Bey standing in the body of the hall, between the throne and the deputies. His Majesty was followed by the Princes Mehemet Reshad Effendi and Ahmed Kemaleddin Effendi, Saïd Pasha, marshal of the palace, Hamdi Pasha, Serkis Bey Ballian, and other gentlemen of the household, who took their places behind the throne. On taking his place the Sultan looked around the room with a slight inclination of the head by way of recognition, and then motioned the grand vizier to approach and handed to his highness a scroll containing the imperial speech. This the grand vizier placed in the hands of Saïd Pasha, the Sultan's first secretary, who, standing on a small separate carpet in advance of the ministers, read the speech aloud. The speech was long, and contained a good deal of historical matter, the following being the pith and substance of it:

The speech commenced by declaring that the basis of a good government ought to rest upon the reciprocal confidence of the governors and the governed, and upon the clear understanding of the respective rights and duties of the state and of the populations. The diminution of the strength of the Ottoman Empire has been the result of the non-observance of the laws. After an enumeration of the reforms introduced by Sultan Mahmoud and Sultan Abdul-Medjid, the speech went on to say that the Crimean war had diverted the Ottoman Government from its efforts at internal improvement, but that, thanks to the co-operation of the allied powers, the war ended in a peace which placed the integrity and independence of the Ottoman Empire under the guarantee of all Europe. The road to loans, however, became opened. It was hoped to reap advantage from the peace which followed the Crimean war, but internal embarrassments, fomented by intrigues, gave the Turkish Government no respite. Constantly kept on the alert, it was compelled to have recourse to armaments and movements of troops which withdrew from the laboring population every year a large proportion of its able-bodied men, and occasioned enormous expenses, the upshot being the disorganization of the finances of the state under the influence of a *régime* which did not attach to a proper balance of the budget the importance due to it.

The insurrection in the Herzegovina aggravated the situation, and, instead of endeavoring to provide for urgent financial necessities, while acknowledging the liabilities of the treasury, the step was taken of arbitrarily reducing the rate of interest on all the component parts of the public debt. Hostilities supervened with Servia and Montenegro, and it was in the very height of the crisis that the accession of the present Sultan to the throne took place. Convinced that the progress realized in European countries is the consequence of the liberal institutions which govern them, and that the evils from which Turkey suffers have their source in the system of absolutism, the Sultan had, he said, decreed and promulgated the constitution, and he esteemed himself happy in that day inaugurating the first session of the Ottoman Parliament. The laws with which the chambers would have to deal this year would relate to internal regulations, to the election of deputies, to the organization of the provincial vilayets and communes, to the pensions of magistrates and other public functionaries, to the press, and to the budget.

The speech recommends the deputies to invite to Constantinople representatives of the holders of Turkish bonds, and to come to an understanding with them as to an arrangement which would be advantageous to their interests, while enabling, at the same time, the urgent expenses of the Ottoman treasury to be met.

The Sultan announces the foundation and the maintenance, at his own expense, of a great administrative training-school for future public functionaries. He thanks the army for all the proofs of devoted fidelity it has given, announces the restoration of friendly relations with Servia, and expresses the hope of soon arriving at a satisfactory arrangement with Montenegro.

The last paragraph of the Sultan's speech refers to foreign relations. His Imperial Majesty says that these relations are characterized by that friendship and deference which constitute for Turkey one of his most precious traditions. Turkey had accepted the conference on the basis proposed by England. The conference did not succeed, but Turkey showed that it was ready to anticipate in practice the wishes and counsels of the friendly powers. The proofs of moderation and of sincerity furnished by Turkey will have served to bind still more closely the bonds of sympathy and friendship which unite the Ottoman Empire to the great European family of nations.

As soon as the reading of the speech was concluded the heralds shouted "Long live the Sultan," and His Majesty saluted the assembly and withdrew.

The first sitting of the Turkish Parliament will take place to-day at the Dar-el-Fou-noun, with closed doors to arrange preliminaries. The day on and from which the public will be admitted to the sittings of both houses will be duly notified.



Of the thirty-two members of the senate twenty-four must be classed as Mussulmans and eight as non-Mussulmans. The Greek element is represented by four senators, namely: Musurus Pasha, Stavraki Bey Logotheti, Marco Pasha, and Kostaki Effendi Anthopoulos. There are two Armenians, Mihran Bey Duz (Catholic Armenians) and Dr. Servicen Effendi (Gregorian Armenian). Yorghaki Effendi Stoyanovitch represents the Bulgarian element, and Davitchon Effendi the Israelites. The oldest on the present roll of senators are Mustapha Nouri Pasha, Samih Pasha, and Halim Pasha, ex-mushir of Arabistan.

[Inclosure 4 in No. 144.]

[From the Daily Levant Herald of Tuesday, March 20, 1877.]

Yesterday witnessed an imposing state ceremony, which must be regarded as the solemn ratification in the face of the world of the great charter of the constitution. His Majesty the Sultan for the first time appeared in state as a constitutional monarch. The senators and the deputies, gathered together from all parts of the empire, were welcomed in the imperial palace, and, in an able and pertinent discourse, were invited solemnly to enter upon the great duties appertaining to their office. The ceremony was imposing; everything that could render it so was abundantly lavished, and in the presence of an inauguration so stately and so solemn the deputies will feel that at least the sovereign is profoundly impressed with the greatness of their mission.

Everything that could lend dignity and importance to their entrance upon their duties was gathered together yesterday in the great hall of Dolma-Baghtché. In that great hall, in itself a symbol and reminiscence of the absolutism of the past, the Sultan, who has made a free gift of the new constitution to his people, stood, and welcoming the first Ottoman Parliament, declared in an exhaustive speech the constitutionalism of the future. The exclusivism and mystery of the palace were swept away: the sovereign gathered his people about him in his own dwelling-house and had them told in his own eloquent and well-considered words what were his wishes and aspirations.

The speech was longer and more elaborate than are usually the parliamentary discourses of sovereigns, and much of it was devoted to historical statement. This was dictated by the fact that the constitutional assembly has no antecedents, and it was necessary therefore to lay down for it the political data upon which it was to take its start. The speech points out that the basis of good administration consists in a reciprocity of confidence between the governing and the governed, and in the regulation of the rights and duties between the state and the people. The state thus acknowledges its duties toward the people, and, confident in their recognition of their duties toward the state, summons them to assemble in order to take intimate counsel with the executive power with the object of securing the efficient performance of the one duty as of the other. The Sultan has done his part in this first stage of the new constitutional régime. Deputies cannot fail to be impressed with the solemnity of their reception and with the vast importance that the sovereign attaches to their deliberations. It now remains with the deputies to do their work, and if they do it as they ought, the work of regeneration which all friends of the empire so ardently desire will go on gradually, steadily, surely.

But to this end, what is it that is to be hoped of the deputies? First of all, the most undisguised sincerity and the most perfect truthfulness. Not that factious opposition which only embarrasses those upon whom depends the working of the great machine of government, but perfect honesty in dealing with the questions which come before the chamber, frank and fearless expression of opinion on all things.

The deputies must remember that they are beginning, not finishing, a great work; that, like all beginnings, the difficulties are very great; that evils are not to be remedied by superficial treatment, but that they must be attacked at the root. They must, first of all, rally to their aid that perfect and patriotic confidence which the noble resistance of the empire to all the dangers of the past year is calculated to awaken. They must be imbued with the conviction that the Turkish Empire is really great and strong, and has only by artificial means become weak. To convince themselves of this, they need only weigh carefully the facts. A bankrupt country, made bankrupt by the stroke of a misguided pen, sapped by intrigues, harrassed by insurrections, assailed on all sides, deserted by friends, and yet amid all these crushing difficulties able to put more than half a million men in the field; able to hold its own against the united diplomacy of Europe; exhibiting all the while to the world a people docile and patient beyond all example, and a soldiery devoted and enduring beyond all praise. Out of these facts should come not an arrogant Chauvinism, but a patriotism inextinguishable, and an undaunted confidence. In the facts we cite, the proof lies before the chamber that the country possesses every element that a country needs in order to be

great and powerful. The chamber is asked to aid a well-disposed sovereign so to employ all these advantages as to realize that potentiality of greatness. Deputies, then, study well your work. Look at the world-wide distinction to which honest and patriotic representatives of their nations have attained in other countries. Vie with each other in honesty and steadfastness of purpose. Let no difficulties dismay you. Other countries have passed triumphantly through worse dangers than those which menace yours. Be true to your country, true to your opinions, loyal to the sovereign who has called you to his aid, and rest strong in the assurance that, in a year or two, notwithstanding the present depression, your country may and will, if you do your duty, hold up its head among the greatest.

[Inclosure 5 with No. 144.]

[Extract from a public journal giving a scheme of legislation.]

THE TURKISH PARLIAMENT AND THE NEW LAWS.

The opening of the first Turkish Parliament under the new constitution is fixed for the 1st of March, old style (March 13), and active preparations are in progress for the event. The edifice which was formerly the seat of the old Turkish University in Stamboul, the "Dar-el-Founoun," near the mausoleum of Sultan Mahmoud, is to be transformed into the new houses of Parliament. The staffs of the ministers of commerce and of public works, by whom the premises have been for some time past occupied, have found other quarters, and all necessary alterations are being made to fit the building for the debating-halls and committee-rooms of the new Ottoman legislature—Senate and Chamber of Deputies.

The various bills or projects of law, organic and incidental, specified in the constitution as requiring to be submitted for the consideration of Parliament when it meets are being framed by a special commission *ad hoc*, appointed in pursuance of the Sultan's *hatt*, and divided into various subcommissions, the members of which are all public functionaries of mark, and many of them possessed of special knowledge on the various subjects treated of. The general commission has already prepared draughts of a law on the right of search on the part of the police and their power of entry into domiciles. These draughts are being considered and revised by a subcommission, which meets frequently, under the presidency of Djevdet Pasha, the new minister of the interior, sometimes at the council of state in the day-time, and sometimes of an evening at his excellency's own house. The revision of the new law of the press has been completed, and the final draught of the bill has been submitted to the *tanziimat-deireset* or law department of the council of state. The police law, when framed, will be similarly submitted to the same department. Other laws are being prepared by special subcommissions under the presidency, respectively, of Server Pasha, minister of public works, and Kadri Pasha, the new president of the council of state.

The committee engaged in drawing up the Mudidjite, or the new Ottoman civil code, has already prepared its code of civil procedure. We are assured that the draughting of the following bills or projects of law is nearly completed:

1. The regulations for governing the proceedings of Parliament.
2. The electoral law, to come into operation next year
3. The law for the reorganization of the provinces on the principle of decentralization.
4. The law on provincial councils.
5. The law on communal administration.
6. The municipal law.
7. The law on the reorganization of the police.
8. The law on the establishment of the budget.

When the framing of these laws shall have been definitely completed, consideration will be given to the preparation of—

1. A code of criminal procedure.
- 2, 3, and 4. Laws relative to the judicial bench and the magistracy, the reorganization of the tribunals, and the institution of *procureurs généraux* (procurators fiscal).
5. A law regulating the tenure of office and removability of public functionaries.
6. A law defining the powers and responsibilities of the various public departments, &c.

It appears clear, therefore, that if any considerable proportion of these measures be in readiness a month hence, the new Turkish Parliament will not lack matter for consideration on assembling in the "Dar-el-Founoun" on the 13th of March.

No. 322.

*Mr. Maynard to Mr. Evarts.*

No. 147.]

LEGATION OF THE UNITED STATES,  
*Constantinople, April 25, 1877. (Received June 15.)*

SIR: Recurring to my dispatch, No. 126, dated January 30, 1877, it is seen that the political relations between the Sublime Porte and the guaranteeing powers, parties to the treaty of Paris, are brought down to the dissolution of the conference and the subsequent departure of the several plenipotentiaries. As I then anticipated, the proceedings of the conference were laid before the British Parliament, and form a document, or blue-book, as they call it, of 380 pages. A copy may be procured from England at a trifling expense, and it is probably the most satisfactory attainable account of that remarkable diplomatic conclave. It was the Ottoman Empire on trial at the bar of civilization, and the result is the unanimous judgment of Christendom. That Turkey refuses to accept it, makes it no less a judgment, although it opens the question whether it is practicable or possible to enforce it.

After the close of the conference, the Sublime Porte set about negotiating peace with the revolted provinces of Servia and Montenegro. An armistice was agreed upon in the autumn, which from time to time had been prolonged, and still continued. With Servia, which had been seriously worsted in the conflict, terms were soon arranged, substantially upon the *statu quo* basis; and the former quasi-diplomatic relations have been renewed by a decree of Prince Milan re-establishing the political agency of his government at Constantinople.

Montenegro, on the other hand, thought, and quite naturally, that her military successes entitled her to make demands. Accordingly, her delegates were instructed to insist upon an extension of her boundaries so as to include the strong post of Niksitch, and also a harbor on the Adriatic convenient for her commerce. These demands were not admitted by the Sublime Porte, and were gradually reduced to the single and apparently not unreasonable condition of a harbor, however incommodious, by which her isolated mountains might communicate with the outside world. This condition was also rejected. The negotiations were broken off, the armistice expired and was not renewed, and hostilities were recommenced. It has been intimated that foreign powers intervened on the one side or the other, notably Russia on that of Montenegro, to defeat the negotiations. I am aware of no evidence to support this hypothesis, and the result would be easily explained and accounted for by the theory of an irreconcilable difference between the two parties themselves.

The great powers, meanwhile, were not inactive. A correspondence ensued, very largely through General Ignatieff, lately Russian ambassador near the Sublime Porte, as intermediary, which resulted in a protocol signed at London March 31, 1877, a copy of which, with a translation, is inclosed. At the time of signature certain qualifying declarations were made and annexed to the minutes severally by the Earl of Derby on the part of Great Britain, by Count Schouvaloff on the part of Russia, and by General Count de Menabrea on the part of Italy.

The protocol was at once communicated to the Sublime Porte. The manner in which it was received can be best explained by a dispatch bearing date April 9, 1877, from his excellency Savfet Pasha, the imperial minister of foreign affairs, and addressed telegraphically to each of the Ottoman ambassadors near the great friendly powers. A copy, with

a translation, is annexed. The pathetic, almost despairing, tone of this dispatch no doubt discloses the real sentiments which animate the Turkish Government. Her financial credit gone, condemned by the moral judgment of the world as faithless to past pledges, without expectation of political support from any quarter, subjected to conditions very humiliating to her self-respect and perilous to her national existence, she appeals to God and the justice of her cause, determined to keep her place unimpaired among the nations or to perish in the attempt. The Turkish people, however, take a more hopeful view of the situation. With strong faith in themselves, and implicit confidence in divine and spiritual aid, they look forward undaunted to a life and death struggle with the world united, if so it be. Every soldier who falls is a martyr, and every one who survives a hero, each more glorious according to the number of enemies to the faith (giaours) he has slain.

The principal event of diplomatic importance during the two subsequent weeks was the renewal of intercourse by the Government of Great Britain. The Right Honorable Austin Henry Layard, Her British Majesty's envoy extraordinary and minister plenipotentiary at Madrid, was appointed ambassador *ad interim* near the Sublime Porte, during the absence on leave granted to His Excellency Sir Henry Elliot after the close of the conference, and made necessary by his own impaired health and that of Lady Elliot. He reached Constantinople on the 20th instant, coming, by way of special distinction, in Her Majesty's yacht Osborn, which was dispatched for that purpose, although the British Government has no fewer than three dispatch-boats (stationnaires) attached to the embassy and at the service of the ambassador. His Imperial Majesty the Sultan received him in audience yesterday, much sooner after his arrival than usual, and, I judge, with more than usual consideration and display. The grand vizier and the other ministers were equally prompt and impressive in making their official courtesies to the new ambassador, indicating altogether much gratification on the part of the Sublime Porte at the re-establishment of diplomatic relations with the great insular power of the West, and on the part of the latter a disposition very far from unfriendly to Turkey.

For some time past it has been understood that the Russians were massing large bodies of troops at Kischineff, a railway-station near the Pruth, at that point the dividing-line between Russia and the Turkish province of Moldavia, and not far from the Lower Danube, and it was reported that the Emperor would review them in person Monday last, the 23d instant. This, I suppose, he did.

Yesterday a dispatch was received at the Porte, from the Ottoman chargé d'affaires at St. Petersburg, that Prince Gortchakoff had made to him a declaration of war. News came that the Russian troops were across the Pruth, and rumors spread that a force was advancing into Asiatic Turkey in the region of Batoum, and had received a considerable check from the Turkish soldiery. This I have embodied in a telegram to the Department of State, a copy of which is inclosed.

A very spirited address from the Sultan to his soldiers appears to-day, of which I append a translation, both French and English. This will, no doubt, find a hearty response in the breast of the troops, who will enter the contest animated with resolution and high purpose.

The strife once begun, it would be rash to predict the end. My belief is that neither government, the Russian nor the Ottoman, desired war, and would gladly have accepted a pacific policy could they have done so prudently in the temper of their people. This I am satisfied the Sublime Porte could not do, and the same is probably true of the Czar.

Whether, therefore, the war will end after a few actions to satisfy the popular wrath, or will continue until all Europe is embroiled, it is too early to forecast. \* \* \*

So far as I have heard any expression of military opinions, they generally concede that single-handed Turkey is overmatched by Russia. And yet Turkey is better prepared for war than she ever was before, or is ever likely to be again. The late Sultan, Abdul Aziz, provided largely for military defense. I have already taken occasion to mention the strength of the Ottoman navy (dispatch No. 88, dated July 27, 1876). Small-arms with fixed ammunition were procured in large quantities from America, and heavy ordnance from Germany. The amount of war material accumulated is immense, and of the most effective character known to modern warfare. The ships are, most of them, in commission, and their crews have had some drill and practice, but I have a very faint idea of their efficiency. By the aid of shore-batteries they surely must command the Black Sea and the water approaches to Constantinople. The army, though probably overstated at six hundred thousand men, is undoubtedly large; and the operations of the last year have given to some of the soldiers the character of veterans. And should the Padischah, as he intimates, raise the sacred banner (sandjak-cheri), and convert the struggle into a holy war, he would rally Islamism *en masse*.

Great as are likely to be the material advantages to our countrymen, it is, nevertheless, a melancholy prospect.

I have, &c.,

HORACE MAYNARD.

[Inclosure 1 in No. 147.—Translation.]

*The protocol of the great powers, signed at London March 31, 1877.*

The powers who have undertaken in common the pacification of the East, and have, with that view, taken part in the conference of Constantinople, recognize that the surest means of attaining the object which they have proposed to themselves is, before all, to maintain the agreement so happily established between them, and jointly to affirm afresh the common interest which they take in the improvement of the condition of the Christian population of Turkey, and in the reforms to be introduced in Bosnia, Herzegovina, and Bulgaria, which the Porte has accepted on condition of itself carrying them into execution. They take cognizance of the conclusion of peace with Servia.

As regards Montenegro, the powers consider the rectification of the frontiers and of the free navigation of the Boiana to be desirable in the interest of a solid and durable arrangement.

The powers consider the arrangements concluded or to be concluded between the Porte and the two principalities as a step accomplished toward the pacification which is the object of their common wishes.

They invite the Porte to consolidate it by replacing its armies on a peace footing, excepting the number of troops indispensable for the maintenance of order, and by putting in hand with the least possible delay the reforms necessary for the tranquillity and well-being of the provinces, the condition of which was discussed at the conference. They recognize that the Porte has declared itself ready to realize an important portion of them.

They take cognizance specially of the circular of the Porte of the 13th of February, 1876, and of the declarations made by the Ottoman Government during the conference, and since, through its representatives.

In view of these good intentions on the part of the Porte, and of its evident interest to carry them immediately into effect, the powers believe that they have grounds for hoping that the Porte will profit by the present lull to apply energetically such measures as will cause that effective improvement in the condition of the Christian populations which is unanimously called for as indispensable to the tranquillity of Europe, and that having once entered on this path it will understand that it concerns its honor as well as its interests to persevere in it loyally and efficaciously.

The powers propose to watch carefully, by means of their representatives at Con-

stantinople and their local agents, the manner in which the promises of the Ottoman Government are carried into effect.

If their hopes should once more be disappointed, and if the condition of the Christian subjects of the Sultan should not be improved in a manner to prevent the return of the complications which periodically disturb the peace of the East, they think it right to declare that such a state of affairs would be incompatible with their interests and those of Europe in general. In such case they reserve to themselves to consider in common as to the means which they may deem best fitted to secure the well-being of the Christian populations and the interests of the general peace.

Done at London, March 31, 1877.

MÜNSTER (Germany).  
BEUST (Austria-Hungary).  
L. D'HARCOURT (France).  
DERBY (Great Britain).  
L. F. MENEVREA (Italy).  
SCHOUVALOFF (Russia).

[Inclosure 2 in No. 147.]

DECLARATIONS OF GREAT BRITAIN, RUSSIA, AND ITALY BEFORE THE SIGNING OF THE PROTOCOL.

*Declaration made by the Earl of Derby before the signature of the protocol.*

The undersigned, Her Britannic Majesty's principal secretary of state for foreign affairs, makes the following declaration in regard to the protocol this day signed by the plenipotentiaries of Great Britain, Germany, Austria-Hungary, France, Italy, and Russia:

Inasmuch as it is solely in the interests of European peace that Her Britannic Majesty's Government have consented to sign the protocol proposed by that of Russia, it is understood beforehand that in the event of the object proposed not being attained, namely, reciprocal disarmament on the part of Russia and Turkey, and peace between them, the protocol in question shall be regarded as null and void.

DERBY.

LONDON, March 31, 1877.

*Declaration made by the ambassador of Russia.*

If peace with Montenegro is concluded, and the Porte accepts the advice of Europe, and shows itself ready to replace its forces on a peace footing, and seriously to undertake the reforms mentioned in the protocol, let it send to St. Petersburg a special envoy to treat of disarmament, to which His Majesty the Emperor would also on his part consent.

If massacres similar to those which have deluged Bulgaria with blood take place, this would necessarily put a stop to the measures of demobilization.

*Declaration made by the Italian ambassador.*

Italy is only bound by the signature of the protocol of this day's date so long as the agreement happily established between all the powers by the protocol itself is maintained.

[Inclosure 4 in No. 147.]

DISPATCH OF SAHVET PASHA, OTTOMAN MINISTER OF FOREIGN AFFAIRS, ON THE PROTOCOL.

[Telegraphic.]

CONSTANTINOPLE, April 9, 1877.

The protocol signed at London on March 31, 1877, has been communicated to the Sublime Porte by the principal secretary of state of Her Britannic Majesty, and by the German, Austro-Hungarian, French, Italian, and Russian ambassadors, as also the declarations of the principal secretary of state for foreign affairs of Her Britannic Majesty, and of the Italian and Russian ambassadors, which are annexed to it.

Whilst taking note of these documents the Sublime Porte has experienced deep regret at perceiving that the great friendly powers did not consider it their duty to admit

the imperial government to participate in deliberations in which, nevertheless, questions affecting the most vital interests of the empire were treated. The complete deference which the imperial government has under all circumstances evinced for the advice and wishes of the great powers, the close connection which so happily unites the interests of the empire to those of the rest of Europe, the most incontestable principles of equity, and lastly, solemn engagements, authorized the Sublime Porte to believe that it, too, would be called to take part in the work destined to restore peace to the East, and to establish the agreement on this subject among the great powers on a just and legitimate basis.

But from the moment that this has not been the case, the Sublime Porte sees itself imperiously obliged to assert itself against the authority of such a precedent, and to call attention to the fatal consequences which might also result in the future to the guiding principles of the security of international relations.

Passing to the examination of these documents, the Sublime Porte has come to the conclusion that if the signatory powers had taken better account of the exchange of views which took place at the time of the Constantinople conferences, of the results obtained in the interval which has elapsed since then, and of the nature of the new dangers which threaten peace, it would have been easy to have arrived, by a just consideration of the great interests in question, at a definitive agreement, which would not have been dependent either on serious infractions of law or on conditions which were impossible of realization.

During the Constantinople conferences, the Sublime Porte, relying on the constitution which His Imperial Majesty had just spontaneously granted, and which realized the most comprehensive reform which had been seen in this empire since its establishment, had taken care to point out the injustice of any measure which, under the appearance of reform, might be developed by the division of provinces, creeds, or classes; as well as the impossibility of accepting anything contrary to the integrity or independence of the empire. This double point of view answers fully to the conditions of the English programme which was accepted by the powers. This programme laid down in principle the maintenance of the integrity and independence of the empire, and demanded for certain provinces a system of institutions which should afford guarantees against bad administration and acts of arbitrary authority. Thus, the system of institutions demanded was naturally realized in law as well as in fact by the very nature of the new political organization given to the empire, without distinction of language, creeds, or provinces. Since then, the Ottoman Parliament has been convoked, and an assembly, founded on a system of free election, which will shortly be arranged in a manner which will give no ground for any well-founded criticism, is actually in session at Constantinople, and discusses with perfect freedom the most important state affairs. If the objection be made that this system of reforms is too new to have fruit immediately, it may be remarked in reply that that is an objection which could just as well have been made to the reforms recommended by the foreign plenipotentiaries, and in general against every reform which from the very fact that it is an innovation cannot possess at its birth the efficacy that time alone can impart.

Again internal security was solidly re-established. Tranquillity was restored to Servia, and negotiations, in which the Sublime Porte continues to give proof of the greatest moderation, have been commenced with Montenegro.

Unfortunately a new incident arose in the interval, and the extraordinary armaments which have been going on for some months through the length and breadth of Russia, while compelling the Sublime Porte to provide for measures of defense, have not only prevented a complete tranquillization of feeling being arrived at, but have, in the end, brought about a situation fraught with danger. The Sublime Porte will do itself the justice of declaring that it has neglected nothing which was calculated to dissipate doubts, to calm disquietudes, and to soothe the most delicate susceptibilities.

Seeing that the Porte was hardly freed from the long and difficult trials which the revolutionary plots had sought to let loose on all the provinces of the empire, it was natural that it should only long for repose, and should have no other desire than to devote itself at the first moment possible to the faithful work of internal regeneration. It could only from that time the more keenly deplore the sight of the further removal every day of this constant object of its wishes, in proportion as the restraint which it was sought to impose on it, left it no other alternative than to demand weighty sacrifices from its people, to exhaust its finances by large and unproductive expenditure, and above all, to devote its attention to the way in which it could succeed in averting a conflict which was calculated to disturb deeply the peace of the world.

It is natural that the great powers interested themselves in this situation. The Sublime Porte, for reasons which it is unnecessary to explain, had, up to the present time, avoided drawing officially the attention of the powers to this new phase of the question—assuredly the gravest of all. But the declarations which their excellencies, Lord Derby and Count Schouvaloff, prefixed to the signature of the protocol, give it also at the present moment an opportunity of conveying to the friendly cabinets the

urgent need there is to put an end to a complication so dangerous, and of which it is not in the power of the Sublime Porte much longer to delay the result.

Consequently, and in reply to the declaration of his excellency, the ambassador of Russia, the Sublime Porte on its side notifies the following declaration to the powers who signed the protocol:

1. The Sublime Porte following, as regards Montenegro, the same course which had brought about peace with Servia, spontaneously informed the prince two months ago that no effort, even at the price of certain sacrifices, would be spared to come to an understanding with him; viewing Montenegro as an integral portion of Ottoman territory, the Porte proposed a rectification of the line of boundary which would insure certain advantages to Montenegro, and, henceforth, it depends entirely on the counsels of moderation, which the Sublime Porte trusts will prevail at Cetigne, whether this affair may be considered as terminated.

2. The imperial government is ready to carry out immediately all the promised reforms; but these reforms, in conformity with the fundamental dispositions of our constitution, must not bear a special and exclusive character; and in this spirit the imperial government will, while reserving its full and complete liberty of action, persevere in establishing these institutions.

3. The imperial government is prepared to replace its armies upon a peace-footing, as soon as it sees that the Russian Government is taking measures with a similar object. The Turkish armaments are essentially of a defensive character, and the bonds of friendship and esteem which unite the two empires give reason to hope that the cabinet of St. Petersburg will not isolate itself in Europe by clinging to the belief that the Christian populations of Turkey are exposed to such dangers from their own government that it is necessary to prepare against a friendly neighbor and state every possible means of invasion and destruction.

4. As regards the disorders which might break out in Turkey and arrest the demobilization of the Russian army, the imperial government, which rejects the offensive terms in which this idea has been expressed, believes that Europe is convinced that the disorders which have disturbed the tranquillity of the provinces were due to external agitation; that the imperial government cannot be held responsible for them; and that consequently the Russian Government would not be justified in making the demobilization of its armies depend on such contingencies.

5. As to the dispatch of a special envoy to St. Petersburg, charged with treating of the disarmament, the imperial government, which would have no reason to refuse an act of courtesy which is imposed by diplomatic etiquette on condition of reciprocity, sees no connection between this act of international courtesy and the disarmament, for delaying which there is no plausible motive, and which could be carried into effect by a simple telegraphic order.

In placing the preceding declarations before the cabinets of the signatory powers the Sublime Porte asks them to take note of them, to appreciate the spirit which has dictated them, and be so good as to give them the importance to which they are entitled in the present situation—a situation to the dangers of which the imperial government cannot too plainly call attention, and for which it formally repudiates the responsibility.

In connection with what has just been set forth above, respecting the efforts which the imperial government has devoted to the restoration of tranquillity as well as respecting the causes which have really baffled them, the cabinets who have signed the protocol of March 31 can easily comprehend the painful feeling which this document could not fail to produce on the imperial government.

It would be useless to recall here the passages of the protocol relating to the two principalities, and to the question of disarmament.

But what cannot, in truth, be sufficiently regretted is the small account which the powers seem to have taken both of the great principles of equality and justice, which the imperial government seeks to introduce into the internal administration, and of its rights of independence and sovereignty.

There is, in fact, cause for surprise that in this protocol the friendly powers have thought fit to affirm afresh the "common interest which they take in the reforms to be introduced into Bosnia, Herzegovina, and Bulgaria, which the Porte has accepted, reserving to herself their application," to invite the Porte to carry into "operation, with the shortest possible delay, the reforms in the condition of the provinces, with which the conference was concerned," to express the hope that the Porte will energetically take the measures destined to produce in the condition of the Christian population the effectual improvement which is unanimously demanded, and that once entered on this path, it will understand that its honor, as well as its interest, is at stake in persevering loyally and effectually therein.

The Sublime Porte has not accepted reforms exclusively for Bosnia, Herzegovina, and for localities inhabited by Bulgarians.

It is not a matter of doubt that it is very much to its interest and part of its duty to satisfy the legitimate rights of its Christian subjects. It cannot admit that the im-



improvements which are recommended to its notice should be devoted exclusively to the Christian element. On the rumor of the receipt of proofs of loyalty and devotion which all His Majesty's subjects have shown, and in presence of reforms which tend to unite all the populations of the empire into one single body politic, the Sublime Porte owes it to itself to repel the suspicion which the expressions of the protocol would wish to throw on the sincerity of its sentiments toward its Christian subjects, and to protest, moreover, against the indifference, to say the least, which these same expressions bear witness to, with reference to its Mussulman subjects and others. It is not to be supposed that improvements which tend to insure also to the Mussulmans tranquillity and well-being are devoid of importance in the eyes of Europe, enlightened, tolerant, and just as she is—measures, or rather institutions, calculated to secure to all equally the liberal development, both moral and material, of the rights of each individual. Such is the object which Turkey is now aiming at. She will make it a point of honor to persevere in this course; and for this the constitution is the best and surest guarantee.

But if the Imperial Government sees itself compelled to reject every idea by which attempts might be made to sow germs of antagonism between the different elements of its population, and to inspire certain persons amongst them with mistrust of their legitimate authorities, neither would it see its way on any account to subscribe to the sanction which the protocol has in view to give to the application of the improvements above set forth.

Thus, when the protocol declares that the powers propose to watch with care, and through the medium of their representatives at Constantinople and of their local agents, over the way in which the promises of the Ottoman Government shall be executed, and when it adds that if this hope should once more prove unfounded they reserve to themselves to consider in common as to the means which they may think best calculated to insure the welfare of the Christians and the general interests of peace, it is evident that it must provoke the legitimate protestations of the Imperial Government, and encounter its most formal opposition. Turkey, as an independent state, cannot submit to be placed under any surveillance, whether collective or not.

Although she maintains with other friendly powers relations which are governed by internal law and by treaty, she cannot agree to recognize the foreign agents or representatives, whose duty it is to protect the interests of their respective countries, as holding any mission of official surveillance. The Imperial Government cannot either see in what manner it has so far deviated from the path of justice and civilization as to see itself placed in a position both humiliating and without example in the world.

The treaty of Paris explicitly declared the principle of non-intervention. That treaty, which binds the other high contracting parties as well as Turkey, cannot be abolished by a protocol in which Turkey has taken no part.

And if Turkey appeals to the stipulations of the treaty of Paris, it is not because that treaty created in her favor any rights which she did not possess without that treaty, but only to recall attention to the grave reasons which twenty years ago led the powers, in the interest of the general peace of Europe, to place under the guarantee of a joint promise the recognition of the inviolable right of sovereignty of that empire.

As for the clause which, in case of non-execution of the promised reforms, would give to the powers the right of concerting ulterior measures, the Imperial Government regards it in the light of a further attack on its dignity and on its rights, a proceeding of intimidation calculated to deprive their action of all merit of spontaneity, and a source of grave complication for the present as well as for the future.

No consideration can arrest the Imperial Government in its determination to protest against the protocol of the 31st of March, and to consider it, as regards Turkey, as devoid of all equity, and consequently of all binding character.

In face of hostile suggestions, unmerited suspicions, and manifest violations of her rights—violations which are at the same time violations of international law—Turkey feels that she struggles at the present moment for her very existence.

Strong in the justice of her cause, and with confidence in God, she declares that she ignores what may have been decided without her and against her; determined to keep the place which Providence has thus destined to her, she will not cease to oppose to those attacks which are directed against her the general principles of international right, and the authority of a great European compact which binds the honor of the signatory powers of the protocol of the 31st of March, which last has no legal validity in her eyes. She appeals to the conscience of the cabinets, which she is justified in considering as animated towards her with the same sentiments of equity and friendship as in the past. Immediate and simultaneous disarmament will be the only efficacious means of obviating the dangers with which the general peace is menaced.

The answer which the Imperial Government has just made to the declaration of the ambassador of Russia gives the powers a fitting opportunity to bring about this result, which surely they would not seek to obtain by persistently imposing on the Ottoman Empire sacrifices of right and of honor to which she will not consent.

You are instructed to read this memorandum to the Minister for Foreign Affairs, and leave a copy of it with his excellency.

[Inclosure 5 in No. 147.]

*Address of His Majesty the Sultan, by telegraph, to the Generalissimo Abdul-Kerim Pasha, to the major-generals of the armies of the Danube and Erzeroum, also to the commandant of the military division at Batoum.*

The Russian Government has broken relations with us, and has declared war against us. Trusting in the aid of the Most High, we are constrained, in turn, to have recourse to arms.

You know we have always wished for peace and tranquillity. Indeed, armed though we were, we have had up to this moment but a single wish in our hearts—peace!

We have listened to the counsels of friendly states, and have labored together with them for this wished-for result.

But our enemy, with full purpose to destroy our rights, our independence, and our country, has shown it impossible to satisfy his desire without compelling us to sacrifice these blessings. Hence, without right, without lawful excuse, he is on the march to attack us.

We have the conviction that the Judge of judges, the Protector of right and justice, will grant us victory and safety.

Please God, with the efforts and the bravery, with the union, and the moral and material aid, of my faithful subjects, our enemy shall not reach the end he aims at.

I trust in God, the dispenser of victory in righteous causes; I trust my soldiers will keep safe the glory and the honor of the name of the Osmanlis and of their ancestors, and will preserve unstained our flag.

I salute you, generals all, with the officers and soldiers, my brave children, under your command. The state and the nation have trained them for this supreme day. They will show in this solemn hour all their ardor, their zeal, and their courage.

Every stone, every handful of earth forming the posts guarded by the soldiers under your command, has been purchased by thousands of heroes and martyrs, our glorious ancestors, at the price of their blood.

Then let them defend these posts against the attacks of the enemy, these posts which secure the rights, the honor, and the independence of the Osmanlis.

By discharging their sacred duty our soldiers, guided by the presence and the spiritual aid of the Prophet, shall be crowned of God with victory. For them are all our prayers.

The nation takes under her watch and ward the wives and children of her soldier brothers.

Their Padischah is with them heart and soul. If need be he will unfurl the holy standard of the Khalifate and the Sultanate, and fly to their support, ready to sacrifice his life in the midst of them for the cause of right, for the honor and the independence of the country.

God grant us victory!

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No. 323.

*Mr. Maynard to Mr. Evarts.*

No. 148.]

LEGATION OF THE UNITED STATES,  
*Constantinople, April 28, 1877. (Received June 14.)*

SIR: I have the honor to send you to-day a telegram, of which a copy is inclosed, relative to American protection to Russian subjects; a question of sufficient importance for instructions.

When war was declared by Russia, her diplomatic and consular officers withdrew, intrusting to the German embassy the protection of Russian interests in Turkey, as will appear by the inclosed note from Mr. Nelidow, chargé d'affaires, at the moment of his departure.

The occasion of my request for instructions from the Department of State is explained in a telegram from the United States consul at Smyrna, and a dispatch from the United States consular agent at Mytilene.

To understand the need of protection in this instance, it is proper to bear in mind that the unprotected foreigner in Turkey, whether in peace

or war, is practically an outlaw; that is, he has no one to whom he can appeal, either to assert his rights, or for defense, when assailed. The Mussulman resorts, of course, to the Ottoman authorities; the Rayah, or non-Mussulman subject, takes refuge under the head of his ecclesiastical community, or nationality, as it is called; if an Armenian, to the Armenian patriarchate; if Greek, to the Greek, &c. The only resource to the foreigner is a foreign mission or consulate, either of his own government or of some other. Hence, it is not unusual for the diplomatic and consular agents of the various powers near the Sublime Porte to apply to each other for protection of their respective national interests in localities where their government happens to be unrepresented. I myself have had occasion to invoke protection for American citizens from my British, French, Austro-Hungarian, Russian, and Greek colleagues, and it has always been promptly and cheerfully accorded and recognized by the Sublime Porte.

In the island of Mytilene it seems there is no German consular officer, and the Russian vice-consul makes application to the United States consulate. What shall be the response?

At the time of the Cretan insurrection, in 1868, when diplomatic relations between Turkey and Greece were ruptured, the Greek minister, before leaving Constantinople, applied to my predecessor, Mr. Morris, to give protection to the Greek subjects domiciled in Turkey. This Mr. Morris consented to do, subject to the approval of his own government, which was not given. The correspondence is contained in Mr. Morris's dispatches, No. 282, dated December 23, 1868; No. 286, dated January 3, 1869; No. 288, dated January 6, 1869; No. 295, dated January 31, 1869, and No. 296, dated February 7, 1869; and Mr. Seward's instructions, No. 202, dated December 31, 1868; No. 203, dated January 1, 1869; No. 205, dated January 18, 1869, and No. 207, dated January 29, 1869.

For the present I shall observe the tenor and spirit of Mr. Seward's instructions Nos. 202 and 203, and until the Department of State otherwise instructs, should a different determination at any time upon further consideration be reached.

I am, &c.,

HORACE MAYNARD.

[Inclosure 1 in No. 148.]

[Cipher telegram from Mr. Maynard to the Secretary of State.]

CONSTANTINOPLE, April 28, 1877.

EVARTS, *Washington*:

Russian vice-consul at Mytilene asks American protection for Russian subjects. No German agent there.

MAYNARD.

[Inclosure 2 in No. 148.—Translation.]

*Mr. Nelidow to Mr. Maynard.*

APRIL 11, 1877.

SIR: The imperial government having decided to break diplomatic relations with the Sublime Porte, I have received instructions to leave Constantinople with the *personnel* of the embassy, and to withdraw all our consular agents residing in Turkey.

In bringing the foregoing to your excellency's knowledge, I should add that the embassy of His Majesty the Emperor of Germany is charged with the protection of Russian interests in Turkey.

At the moment of embarking for Odessa, I make it my duty to reiterate, sir, the assurance of my high consideration.

NELIDOW.

His Excellency Mr. MAYNARD.

[Inclosure 3 in No. 148.]

*Mr. Smithers to Mr. Maynard.*

[Telegram.]

SMYRNA, April 23, 1877.

Mr. MAYNARD,  
*American Minister, Constantinople:*

Russian vice-consul at Mytilene asks protection of United States for Russian subjects. No German agent there.

SMITHERS.

[Inclosure 4 with No. 148.]

*Mr. Fottion to Mr. Maynard.*

No. 13.]

UNITED STATES CONSULAR AGENCY,  
*Mytilene, 15 (27) April, 1877.*

SIR: I have the honor to transmit, inclosed herewith, three copies, numbered respectively 20, 16, and 17. The first is a letter from the Russian vice-consul in this city, Mr. Amira, asking American protection for Russian subjects, as there is no German consul here. The second is my reply to the same, in which I say that my duty does not permit me to accept it without the permission of my superiors. The third is my dispatch to Mr. Smithers asking his instructions. The Russian vice-consul has begged me earnestly to send also to you, honorable sir, the same copies as to Mr. Smithers, with request for an early reply, for he does not know what to do in this difficult position.

I am, &amp;c.,

M. M. FOTTION,  
*United States Consular Agent.*

[Inclosure 1 in Mr. Fottion's No. 13.—Translation.]

*Russian Vice-Consul at Mytilene to Mr. Fottion.*

No. 20.]

RUSSIAN VICE-CONSULATE,  
*Mytilene, 15 (27) April, 1877.*

SIR AND DEAR COLLEAGUE: My superiors, thinking that there exists here a German consulate, have given me instructions to place the Russian subjects residing within the bounds of my jurisdiction under the protection of that empire. There being no such consulate, and thinking you more fit than any other person to fill this delicate mission, I have seen fit to request, by telegraph, my superiors to authorize me to betake myself of your kind offices. Unhappily, these gentlemen, having had to leave Turkey hurriedly, have not had sufficient time to make arrangements with your chiefs. In consequence, I beg you, sir, to consider the difficulty of my position, and I do not doubt that you will not refuse me your consent.

Accept, sir and dear colleague, &amp;c.,

The vice-consul of Russia,  
 G. AMIRA.

Mr. M. M. FOTTION,  
*Vice-Consul of the United States, Mytilene.*

[Inclosure 2 in Mr. Fottion's No. 13.—Translation.]

*Mr. Fottion to Russian Vice-Consul.*

No. 16.]

UNITED STATES CONSULAR AGENCY,  
*Mytilene, 15 (27) April, 1877.*

SIR AND DEAR COLLEAGUE: I have the honor to reply to your dispatch No. 20, and to thank you infinitely for the honor you have done me, viz: that, in the absence of a German vice-consulate in this city, you place the Russian subjects resident in the bounds of your jurisdiction under American protection. But, since this difficult ques-

tion does not rest with me, I shall have to ask for instructions from my superiors, to whom I this day transmit your request, and I wait for their instructions at the earliest possible moment.

Please accept, sir and dear colleague, the assurance of my perfect consideration.

M. M. FOTTION,

*United States Consular Agent.*

Mr. G. AMIRA,  
*Vice-Consul of Russia at Mytilene.*

[Inclosure 3 with Mr. Fottion's No. 13.]

*Mr. Fottion to Mr. Smithers.*

No. 17.]

UNITED STATES CONSULAR AGENCY,  
*Mytilene, 15 (27) April, 1877.*

SIR: I have the honor to call your attention to the two copies inclosed. The one, No. 20, is a letter from my colleague, vice-consul of Russia in this city, who asks American protection for Russian subjects. The No. 16 is my reply to the Russian vice-consul, in which I say that my duty does not permit me to accept it without the permission and instruction of my superior, to whom I submit the present dispatch with the prayer for an immediate answer, because the Russian vice-consul is placed in a difficult position after the suspension of diplomatic relations, for there is here no German vice-consul.

I am, your obedient servant,

M. M. FOTTION,  
*Agent.*

E. J. SMITHERS, Esq.,  
*United States Consul, Smyrna.*

No. 324.

*Mr. Maynard to Mr. Evarts.*

No. 155.]

LEGATION OF THE UNITED STATES,  
*Constantinople, May 25, 1877. (Received June 20.)*

SIR: The consul-general has addressed a note, transmitting a copy of a recent Ottoman law regulating the state of siege or the proclamation of martial law, and inquiring how far it can affect foreigners under the protection of their respective diplomatic and consular officers. I inclose a copy of the same law in French.

It authorizes the Sultan, and under certain specified circumstances the chief military commanders, to declare any clearly-defined locality to be in a state of siege, and determines the effect of such a declaration. By comparison with the ordinary rules of war observed by belligerent powers, it will probably be found little different. Possibly it may be an improvement upon them in this, that it attempts to prescribe the extraordinary powers granted in the absence of civil law and does not give unlimited discretion to military chiefs, so liable to be abused when they are clothed with the absolute authority of martial law. The act dates, it will be observed, several days subsequent to the declaration of the present war, and may be regarded as one of the measures adopted by the Ottoman Government in consequence of it.

At the date of the consul-general's note the law had in no instance been put in force. To-day, however, as will be seen by a report from the dragoman, the capital is proclaimed to be in a state of siege, and is likely so to remain until the close of the war.

No notice of this action has yet been given to the foreign missions, and nothing has occurred to present any question for practical decision.

The points made by the consul-general in his note are submitted to the consideration of the Department of State for any instructions which it may be thought proper to give.

I have, &c.,

HORACE MAYNARD.

[Inclosure 1 with No. 155.]

*Mr. Schuyler to Mr. Maynard.*

CONSULATE GENERAL OF THE UNITED STATES,  
Constantinople, May 19, 1877.

SIR: I have the honor to acknowledge the receipt of your dispatch No. 153, M. C., and to transmit to you herewith a translation of the law on the state of siege, recently passed by the Ottoman Parliament. I desire particularly to call your attention to articles 8, 10, and 13.

The proper interpretation of this law becomes of great importance, as it is not impossible that during the present war a state of siege may be proclaimed in Constantinople and other cities of the empire where there is a foreign population, and an attempt may be made to apply its provisions to foreigners.

In view therefore of the proper protection of the rights of citizens of the United States in Turkey, I have the honor to request your opinion as to how far the law on the state of siege would, under the plea of military necessity, be allowed to overrule article 4, of the treaty of 1830, and also to ask instructions as to what action should be taken in case of an attempt to apply articles 8, 10, and 13, of this law to citizens of the United States.

I am, &c.,

EUGENE SCHUYLER,  
*Consul-General.*

[Inclosure 2 with No. 155.]

LAW ON THE STATE OF SIEGE.

CHAPTER I.—*Circumstances determining the proclamation of the state of siege.*

ARTICLE 1. Places of war and other localities may be placed in a state of siege in case of revolt or of war, and in case of the discovery of facts or indices of a nature to make troubles foreseen in a point of the territory, and to threaten the external or internal security of the empire.

CHAPTER II.—*The mode of proclaiming a state of siege.*

ART. 2. His Majesty the Sultan has the exclusive power of proclaiming, upon the decision and demand of the council of ministers, the state of siege in any point of the territory of the empire.

ART. 3. The state of siege, either in frontier localities or in the interior of the empire, may be proclaimed after deliberation with the civil authorities, by the superior commandants of the places of war of the locality, on condition that the fact shall be immediately brought to the knowledge of the Sublime Porte, so as to demand the sanction of His Majesty the Sultan.

ART. 4. The proclamation of the state of siege on any point of the territory shall be brought to the knowledge of the Parliament in the shortest delay possible. But if this proclamation takes place when Parliament is not in session, it shall be informed of it as soon as it shall be convoked.

ART. 5. The limits of the zone, including the city district, arrondissement, or province proclaimed in state of siege, shall be minutely indicated and enumerated in the notice of such proclamation.

CHAPTER III.—*The mode of administration of the localities placed in a state of siege.*

ART. 6. From the proclamation of the state of siege and during its duration, the dispositions of the constitution and of the other civil laws remain temporarily suspended.

ART. 7. The military authorities are charged with the attributes and powers with which the civil authorities are invested, as concerns the police and public order.

ART. 8. Those accused of any offense or crime against the external security of the State, shall be judged by a council of war, without regard to the quality and to the dignity of the accused.

ART. 9. Persons who form malevolent designs against the functionaries of the government in the exercise of their functions are justiciable by councils of war, if their acts relate to the circumstances which have caused the state of siege.

ART. 10. The military authority is authorized, 1st, to make domiciliary visits day or night; 2d, to arrest suspected persons and those having bad precedents, and to expel those who have not a fixed domicile in the localities placed in the state of siege; 3d, to seize the arms and munitions of war in the hands of the inhabitants; 4th, immediately to suspend journals which, by their publications, seek to excite the public mind.

ART. 11. The civil authorities can, as hitherto, exercise some of the attributes and duties mentioned in articles 8, 9, 10, in cases where, on the demand of the ministry, they shall be authorized by an imperial *iradé*.

ART. 12. Ordinary crimes and offenses are justiciable by the regular tribunals.

ART. 13. Councils of war may also take cognizance of ordinary offenses and crimes with a view to public safety.

ART. 14. The councils of war shall be exclusively charged with the attributes and powers of the ordinary correctional tribunals; consequently these councils have no power of intervening in any affair within the sphere of the ordinary tribunals in localities outside of the limits of the territory proclaimed in a state of siege, nor even in those which, without being in the sphere of those tribunals, do not take place in the territory placed in a state of siege. Neither can they continue the procedure of affairs which the ordinary tribunals had already begun before the proclamation of martial law.

ART. 15. If the offenses and crimes referred to in article 8 of this law shall have been committed before the proclamation of the state of siege, and the accused have not yet been judged, they shall be judged by councils of war.

ART. 16. All secret committees, although they may have been formed before the proclamation of the state of siege, shall be judged by councils of war.

ART. 17. Individuals who may be found to have participated in the acts or facts which led to the proclamation of the state of siege, shall be judged by councils of war, even though they may not be domiciled in the locality under martial law.

ART. 18. Inhabitants of localities proclaimed in a state of siege shall continue to enjoy, as heretofore, the rights assured to them by the constitution and the civil laws in so far as they are not provisionally suspended by the present law.

#### CHAPTER IV.—*The suppression of the state of siege.*

ART. 19. On the decision and demand of the council of ministers an imperial *iradé* shall raise the state of siege in those localities where there shall no longer be any necessity of proclaiming it.

ART. 20. The superior commandant of a place of war, and other localities placed in a state of siege, has the power of ending it on condition of immediately giving notice to the Sublime Porte and obtaining the necessary imperial decree.

ART. 21. The end of the state of siege shall be immediately brought to the knowledge of the Parliament. If the suppression of the state of siege take place when Parliament is not in session, notice shall be given of it at its first meeting.

ART. 22. Immediately after the suspension of the state of siege the councils of war shall no longer have the right of making inquiries for the discovery and arrest of persons accused of offenses and crimes committed during the state of siege. Affairs of this kind return to the ordinary tribunals; but the officer who, during the state of siege, shall have filled the functions of procurator-general with the councils of war shall have the right of performing the same duties in the ordinary tribunals.

Passed the 16th Rebi-ul-akhir 1294 (Feb, April, 1877).

[Inclosure 3 with No. 153.]

*Mr. Gargiulo to Mr. Maynard.*

CONSTANTINOPLE, May 25, 1877.

DEAR MR. MAYNARD: The state of siege has been officially declared in the following terms:

Constantinople and its suburbs are from to-day placed in a state of siege. This will be made public by a special notice. The civil administration will be replaced by military administration. Persons who, by their acts or by their conversation, cause any disturbance of the public peace will be brought before a council of war, to be instituted at the ministry of war, tried summarily, and according to the nature of their offense will be sentenced. They will be punished either by death, hard labor, confine-

ment in some fortress, or by imprisonment. The execution of these judgments will be immediate.

2d. In case of necessity, the military administration will collect the arms and ammunition of the population.

3d. Any houses which it may be deemed necessary to search will be searched.

4th. All suspicious persons and those who are of known bad character and who have no fixed residence will be removed from the country.

5th. Newspapers which attempt unduly to excite the public mind will be suppressed. All gatherings and public meetings are forbidden.

This is the purport of the imperial *iradé* just proclaimed.

I am, &c.,

A. A. GARGIULO.

No. 325.

*Mr. Maynard to Mr. Evarts.*

No. 156.]

LEGATION OF THE UNITED STATES,  
*Constantinople, May 31, 1877. (Received July 9.)*

SIR: The Turco-Russian war has prevailed the last month, but with little change in the relative attitude of the two parties. Strategically, so far as we have information here, there has been but little advance on either side.

In European Turkey the Danube continues to be the dividing line between the two armies. The Turks report the loss of two small iron-clads upon the river. Little else seems to have occurred, except occasional cannonading from the opposite banks of the stream, with no very serious results.

At the east of the Black Sea the Turks have captured Soukoum-Kaleh, a small Russian port in the Caucasus. As a military success, I judge it is of small importance. Politically, it is believed to have more significance. A general rising of the Caucasians is reported to have followed, and the Turks have been busy in forwarding for their use arms and matériel of war. The occasion was improved to decorate the Sultan with the title of *Ghazi* (the conqueror), a title given only on the capture of a city from the enemies of the faith. The Turkish papers of the 17th instant published a *fetvah* or decision of the Sheikh-ul-Islam awarding this title to his Imperial Majesty Abdul-Hamid II, basing the award upon the triumph of the Ottoman arms in the capture of Soukoum-Kaleh. The same evening, during the embarkation of troops sent to re-enforce the expedition to Soukoum-Kaleh, the governor of the imperial palace went aboard each steamer and read to them a proclamation from the Sultan dwelling upon the importance of the mission of deliverance confided to the force sent to Circassia for the succor of their brethren in the faith from a cruel and intolerant tyranny. The proclamation, we are told, was received by the troops with the utmost enthusiasm and shouts of "Long live the Padishah." The next day being Friday, His Majesty attended public worship at the mosque of St. Sophia, where, in the special prayer for the Sultan, the imaum, in pronouncing his imperial titles, added that of *Ghazi*, in conformity with the *fetvah* of the Sheikh-ul-Islam. It would be difficult to find an instance of a similar military achievement turned to better account.

Soon afterward, the news got abroad that the Russians had carried Ardahan, a strong post on the line between the fortresses of Kars and Batoum, its base of supplies. This produced great popular excitement in the Moslem population, and a violent demonstration of the softas. The latter occasioned the proclamation of the state of siege (Inclosure



No. 4 with dispatch No. 155), and has been followed by the arrest of many of their number, who have been sent into exile. Rumors have circulated that Ardahan has been retaken, but they are not confirmed.

Except the fall of Soukoum Kaleh on the one side and of Ardahan on the other, neither belligerent appears to have gained much advantage in the Asiatic field.

When I wrote my dispatch of April 25, 1877, No. 147, I had not seen the Russian manifesto. It seems to have been prepared as early as April 19, in the form of a circular to the great powers, addressed by Prince Gortchakoff to the several ambassadors, and by them delivered on the 24th, simultaneously with the declaration of war and the forward movement of the Russian armies. A copy, with a translation, is inclosed.

All the powers, except Great Britain, appear to have accepted it as the logical result of events during the last two years, especially of the last six months. Great Britain, equally logical in her own conduct, meets it with an earnest protest, of which I inclose a copy, bearing date, it will be seen, the 1st of May, instant, just one week after receiving the Russian manifesto. I have had occasion more than once in these dispatches to refer to the want of accord on the part of Great Britain with the other powers in their Eastern policy; to her hesitation in joining the consular mission of August, 1875, to the insurgents of Bosnia and the Herzegovina, and in adhering to the Andrassy note of December 30, 1875, and her refusal to co-operate in the policy of the so-called Berlin memorandum of May, 1876 (No. 89, August 10 1876);\* to her possibly divided counsels in the conference of December last (No. 113, December 26, 1876, and No. 126, January 30, 1877); to the cautionary declaration of the Earl of Derby before signing the Protocol of March 31, 1877 (No. 147, April 25, 1877).

I have found myself unable to resist the conviction that, but for the apparently antagonistic attitude of Great Britain toward the other powers, and especially toward Russia, the war would have been averted, and there would have been a settlement of what is usually called the Eastern question—a euphemism, perhaps, for the polity to be pursued by Turkey, with the sanction of the other European powers. Let me not be understood to intimate any want of good faith or open dealing on the part of Her Majesty's Government, or that any acts or declarations had an ulterior purpose, much less that there was any unavowed agreement with the Sublime Porte. Far from it. What I wish to express is, that Turkish statesmen, seeing the constant dissent I have referred to, and knowing the determination of united England to maintain at all hazards her manufacturing and commercial supremacy, believed that she would not be an indifferent spectator to a conflict which, on the one hand by subjecting Turkey, or any part of it, to the commercial policy of Russia, should endanger her best and most profitable customer; and on the other, by giving the great northern power access through the Turkish waters to the public seas, should create a troublesome rival, not to speak of imaginary perils to the Indian Empire. This belief encouraged them to reject the Berlin memorandum, the proposals of the conference, and the protocol even to the ultimate reason of war, secure beforehand of a vigorous moral support in Great Britain, and of a timely intervention, if necessary, to avert a final disaster.

A reply to the Russian manifesto has been published by the Sublime Porte in the form of a circular addressed by the Sultan to the several

\*At the date of this dispatch the Berlin memorandum was inaccessible. I now inclose a copy, with a translation; also, the reply of the Earl of Derby, to supply an important page in this important chapter of Turkish history.

*valis* (governors-general) of the provinces, of which are inclosed translations in French and in English. The tone is much the same, it will be seen, as that of the reply of his excellency Safvet Pasha to the protocol of March 31, 1877.

Meanwhile diplomatic relations with the Sublime Porte have been resumed by Germany, Austria, Hungary, and Italy. On the 17th instant the Austrian-Lloyd's steamer from Trieste brought with her passengers their excellencies Count Corti, the Italian envoy extraordinary and minister plenipotentiary; Count Zichy, the Austro-Hungarian ambassador; and the Prince Henry VII Reuss, who succeeds Baron Werther as the ambassador of Germany. Their reception was very impressive; only less so than that accorded to the new British ambassador on his arrival a month previous. Of all the signatory powers to the protocol, France alone has failed, up to this time, to renew the intercourse suspended at the close of the conference in January last. This may be due, probably is, to the recent changes in the French administration. Of course it is not intended to include Russia in this category. She broke her diplomatic relations simultaneously with the declaration of war.

I have, &c.,

HORACE MAYNARD.

[Inclosure 1 in No. 156.—Translation.]

THE RUSSIAN MANIFESTO.

[Circular.]

ST. PETERSBURG, April <sup>7</sup>/<sub>19</sub>, 1877.

M. L'AMBASSADEUR: The imperial cabinet has exhausted, since the commencement of the Eastern crisis, all the means in its power to bring about, with the concurrence of the great powers of Europe, a lasting pacification of Turkey.

All the propositions successively made to the Porte in consequence of the understanding established between the cabinets have met with an invincible resistance on its part.

The protocol signed in London on the <sup>19th</sup>/<sub>31st</sub> March of this year was the last expression of the collective will of Europe.

The imperial cabinet had suggested it as a supreme effort of conciliation. It had made known, by the declaration bearing the same date and accompanying the protocol, the conditions which, if loyally accepted and performed by the Ottoman Government, might bring about the re-establishment and consolidation of peace.

The Porte has just answered by a fresh refusal. This eventuality had not been contemplated by the protocol of London. While it formulated the views and decisions of Europe, that document had confined itself to stipulating that, in case the great powers were deceived in their hope of seeing the Porte apply energetically the measures destined to afford to the condition of the Christian populations the improvement unanimously called for as indispensable to the tranquillity of Europe, they reserved to themselves to consider in common as to the means which they might deem best fitted to secure the well-being of those populations and the interests of the general peace.

Thus the cabinets had foreseen the case of the Porte not fulfilling the promises it might have made, but not that of its rejecting the demands of Europe.

At the same time the declaration made by Lord Derby at the time of signing the protocol stated that as the government of Her Britannic Majesty had consented to the signature of that act only in view of the interests of the general peace, it was to be understood beforehand that in the event of the proposed object not being attained—namely, reciprocal disarmament and peace between Russia and Turkey—the protocol should be regarded as null and void.

The refusal of the Porte and the reasons on which it is founded leave no hope of deference on its part to the wishes and counsels of Europe, and no guarantee for the application of the reforms suggested for the improvement of the condition of the Christian populations. They render impossible peace with Montenegro and the per-

formance of the conditions which might bring about disarmament and pacification. In these circumstances, every chance is closed for efforts of conciliation. There remains no alternative but to allow the state of things to continue which the powers have declared incompatible with their interests and those of Europe in general, or else to seek to obtain by coercion what the unanimous efforts of the cabinets have not succeeded in obtaining from the Porte by persuasion.

Our august master has resolved to undertake this work, which His Majesty had invited the great powers to pursue in common with him. He has given his armies the order to cross the frontiers of Turkey. You will make known this resolution to the government to which you are accredited.

In assuming this task, our august master fulfills duties imposed upon him by the interests of Russia, whose peaceful development is hindered by the permanent disturbances of the East. His Imperial Majesty has the conviction that he responds at the same time to the sentiments and interests of Europe.

Accept, &c.,

GORTCHAKOFF.

[Inclosure 2 in No. 156.]

[From the Daily Levant Herald of May 9, 1877.]

ENGLAND'S REPLY TO RUSSIA—LORD DERBY'S DISPATCH.

It has been telegraphed that the Earl of Derby, Her Majesty's foreign secretary stated a few days ago in the House of Lords that the British reply to Prince Gortchakoff's last circular, announcing that Russia had declared war, had been dispatched and that as soon as he received telegraphic intimation of the reply having been communicated to the Russian chancellor, he would lay the dispatch before Parliament and make it public. This has now been done, and we are enabled to give the following copy of the original text of this important document.

*The Earl of Derby to Lord A. Loftus.*

FOREIGN OFFICE, May 1, 1877.

MY LORD: I forwarded to your excellency in my dispatch of the 24th ultimo a copy of Prince Gortchakoff's circular-dispatch of the 7-19th ultimo, announcing that the Emperor of Russia had given orders to his armies to cross the frontiers of Turkey. Her Majesty's Government have received this communication with deep regret. They cannot accept the statements and conclusions with which Prince Gortchakoff has accompanied it as justifying the resolution thus taken. The protocol, to which Her Majesty's Government, at the instance of that of Russia, recently became parties, required from the Sultan no fresh guarantees for the reform of his administration. With a view of enabling Russia the better to abstain from isolated action, it affirmed the interest taken in common by the powers in the condition of the Christian populations of Turkey. It went on to declare that the powers would watch carefully the manner in which the promises of the Ottoman Government were carried into effect, and that, should their hopes once more be disappointed, they reserved to themselves the right to consider in common the means which they might deem best fitted to secure the well-being of the Christian populations and the interest of the general peace. To these declarations of the intentions of the powers the consent of the Porte was not asked or required. The Porte, no doubt, has thought fit, unfortunately in the opinion of Her Majesty's Government, to protest against the expressions in question as implying an encroachment on the Sultan's sovereignty and independence. But while so doing, and while declaring that they cannot consider the protocol as having any binding character on Turkey, the Turkish Government have again affirmed their intention of carrying into execution the reforms already promised. Her Majesty's Government cannot, therefore, admit, as is contended by Prince Gortchakoff, that the answer of the Porte removed all hope of deference on its part to the wishes and advice of Europe, and all security for the application of the suggested reforms. Nor are they of opinion that the terms of the note necessarily precluded the possibility of the conclusion of peace with Montenegro, or of the arrangement of mutual disarmament.

Her Majesty's Government still believe that, with patience and moderation on both sides, these objects might not improbably have been attained. Prince Gortchakoff, however, asserts that all opening is now closed for attempts at conciliation; that the Emperor has resolved to undertake the task of obtaining by coercion that which the

unanimous efforts of all the powers have failed to obtain from the Porte by persuasion, and he expresses His Imperial Majesty's conviction that this step is in accordance with the sentiments and the interests of Europe. It cannot be expected that Her Majesty's Government should agree in this view. They have not concealed their feeling that the presence of large Russian forces on the frontiers of Turkey, menacing its safety, rendering disarmament impossible, and exciting a feeling of apprehension and fanaticism among the Mussulman population, constituted a material obstacle to internal pacification and reform. They cannot believe that the entrance of those armies on Turkish soil will alleviate the difficulty or improve the condition of the Christian population throughout the Sultan's dominions. But the course on which the Russian Government has entered involves a graver and more serious consideration. It is in contravention of the stipulations of the treaty of Paris of March 30, 1856, by which Russia and the other signatory powers engaged, each on its own part, to respect the independence and the territorial integrity of the Ottoman Empire. In the conference of London of 1871, at the close of which the above stipulation, with others, was again confirmed, the Russian plenipotentiary, in common with those of the other powers, signed a declaration affirming it to be an essential principle of the law of nations that no power can liberate itself from the engagements of a treaty, nor modify the stipulations thereof, unless with the consent of the contracting parties, by means of an amicable arrangement. In taking action against Turkey on his own part, and having recourse to arms without further consultation with his allies, the Emperor of Russia has separated himself from the European concert hitherto maintained, and has, at the same time, departed from the rule to which he himself had solemnly recorded his consent. It is impossible to foresee the consequences of such an act. Her Majesty's Government would willingly have refrained from making any observations in regard to it; but as Prince Gortschakoff seems to assume, in a declaration addressed to all the governments of Europe, that Russia is acting in the interest of Great Britain and that of the other powers, they feel bound to state, in a manner equally formal and public, that the decision of the Russian Government is not one which can have their concurrence or approval.

I am, &c.,

DERBY.

[Inclosure 3 in No. 156.]

THE BERLIN MEMORANDUM.

Memorandum of a conference between the Emperors of Austria Hungary, Germany, and Russia, held in Berlin in May, 1876.

[Translation.]

The alarming tidings which come from Turkey are of a nature to impel the three cabinets to draw closer their intimacy.

The three imperial courts have deemed themselves called upon to concert amongst themselves measures for averting the dangers of the situation with the concurrence of the other great Christian powers.

It appears to them that the existing state of affairs in Turkey demands a double series of measures. It seems to them of primary importance that Europe should consider the general means necessary to guard against the recurrence of events similar to those which have recently taken place at Salonica, and the repetition of which is threatened at Smyrna and Constantinople. To effect this the great powers should, in their opinion, come to an understanding as to the measures to be taken to insure the safety of their own subjects and of the Christian inhabitants of the Ottoman Empire, at all points where it may be found to be endangered.

It would appear possible to attain this end by a general agreement concerning dispatch of vessels of war to the menaced points, and by the adoption of combined instructions to the commanders of those vessels in cases where circumstances might require armed co-operation on their part with the object of maintaining order and tranquillity. Nevertheless this end would be but imperfectly attained if the primary cause of those disturbances were not removed by the prompt pacification of Bosnia and the Herzegovina.

The great powers have already united in this view upon the initiative taken in the dispatch of the 30th of December last, with the object of obtaining an effective amelioration in the condition of the populations of these countries without interfering with the political *status quo*. They demanded of the Porte a programme of reforms destined to answer this double purpose. The Porte, deferring to this demand, declared itself firmly resolved to execute these reforms, and communicated this officially to the

cabinets. The latter thereby acquire a moral right, that of watching over the accomplishment, and an obligation, that of insisting that the insurgents and refugees should second this work of pacification by terminating the struggle and returning to their homes.

Nevertheless, this programme of pacification, though it has been adopted in principle by both parties, has encountered a twofold obstacle.

The insurgents have declared that past experience forbids them to trust the promises of the Porte without a positive material European guarantee.

The Porte, on its side, has declared that as long as the insurgents were scouring the country in arms, and the refugees did not return to their homes, it was materially impossible for it to proceed to the new organization of the country.

In the mean time hostilities have resumed their course. The agitation engendered by this strife of eight months has extended to other parts of Turkey. The Mussulman populations have been thereby led to conclude that the Porte had only apparently deferred to the diplomatic action of Europe, and that at heart it did not intend seriously to apply the promised reforms. Thence arose a revival of religious and political passions, which has contributed to cause the deplorable events of Salonica and the menacing overexcitement which manifests itself at other points of European Turkey.

Nor is it doubtful that in its turn this explosion of fanaticism reacts on men's minds in Bosnia and Herzegovina as in the neighboring principalities.

For the Christians in these countries must have been keenly impressed by the fact of the massacre of the European consuls in open day, in a peaceful town, under the eyes of powerless authorities; how then can they be induced to trust themselves to the goodwill of Turks irritated by a protracted and sanguinary struggle?

Were this state of affairs to be prolonged the risk would thus be incurred of seeing that general conflagration kindled which the mediation of the great powers was precisely intended to avert.

It is most essential, therefore, to establish certain guarantees of a nature to insure beyond doubt the loyal and full application of the measures agreed upon between the powers and the Porte. It is more than ever urgent to press the government of the Sultan to decide on setting itself seriously to work to fulfill the engagements it has contracted toward Europe.

As the first step in this direction the three imperial courts propose to insist with the Porte, with all the energy that the united voice of the three powers should possess, on a suspension of arms being effected for the term of two months. This interval would enable action to be brought to bear simultaneously on the insurgents and the refugees, to inspire them with confidence in the vigilant solicitude of Europe; on the neighboring principalities, to exhort them not to hinder this attempt at conciliation; and, finally, on the Ottoman Government, to place it in a position to carry out its promises. By this means the way might be opened for direct negotiations between the Porte and the Bosnian and Herzegovinian delegates, on the basis of the wishes the latter have formulated, and which have been deemed fit to serve as starting-points for a discussion.

These points are as follows:

1. That materials for the reconstruction of dwelling-houses and churches should be furnished to the returned refugees; that their subsistence should be assured to them till they could support themselves by their own labor.

2. In so far as the distribution of help should appertain to the Turkish commissioner, he should consult as to the measures to be taken with the mixed commission mentioned in the note of the 30th of December, to guarantee the *bona fide* application of the reforms and control their execution. This commission should be presided over by a Herzegovinian Christian, and be composed of natives faithfully representing the two religions of the country. They should be elected as soon as the armistice should have suspended hostilities.

3. In order to avoid any collision, advice should be given at Constantinople to concentrate the Turkish troops, at least until excitement has subsided, on some points to be agreed upon.

4. Christians as well as Mussulmans should retain their arms.

5. The consuls or delegates of the powers shall keep a watch over the application of the reforms in general, and on the steps relative to the repatriation in particular.

If, with the friendly and cordial support of the great powers, and by the help of an armistice, an arrangement could be concluded on these bases, and be set in train immediately by the return of the refugees and the election of the mixed commission, a considerable step would be made toward pacification.

If, however, the armistice were to expire without the efforts of the powers being successful in attaining the end they have in view, the three imperial courts are of opinion that it would become necessary to supplement their diplomatic action by the sanction of an agreement with a view to such efficacious measures as might appear to be demanded, in the interest of general peace, to check the evil and prevent its development.

[Inclosure 4 in No. 156.]

## LORD DERBY'S REPLY TO THE BERLIN MEMORANDUM.

*The Earl of Derby to Lord Odo Russell.*

FOREIGN OFFICE, May 19, 1876.

MY LORD: Her Majesty's Government have had under their consideration the memorandum of which a copy was inclosed in your dispatch of the 13th instant, containing the proposals of the Governments of Austria, Germany, and Russia for the pacification of the Herzegovina and Bosnia.

These proposals had been agreed upon by Count Andrassy, Prince Bismarck, and Prince Gortchakoff, at a meeting at Berlin, and your excellency was requested to communicate them to Her Majesty's Government, with the hope that Her Majesty's Government would accede to them, and express their opinion at once upon the telegraphic summary furnished by your excellency.

I informed your excellency on the 15th instant that it would be necessary for me to consult my colleagues, and that I could not give any reply until after the proposals of the three governments had been considered by the cabinet.

I have now to state to your excellency that Her Majesty's Government regret to find themselves unable to co-operate in the policy which the three governments have invited them to pursue. Her Majesty's Government appreciate the advantage of concerted action by the powers in all that relates to the questions arising out of the insurrection, but they cannot consent to join in proposals which they do not conscientiously believe likely to effect the pacification which all the powers desire to see attained.

The proposals contained in the memorandum are directed to pressing upon the Porte the establishment of an armistice for two months, with a view to direct negotiations between the Porte and the delegates of the insurgents on the basis of the wishes which the latter have expressed, and which have been thought fit to serve as points of departure for discussion.

In the first place, it appears to Her Majesty's Government that they would not be justified in insisting upon the Porte consenting to an armistice, without knowing whether the military situation admitted of its being established without prejudice to the Turkish Government, and without rendering necessary the exercise of greater efforts on the renewal of the campaign, and a consequent prolongation of the struggle. Moreover, the faithful observance of the armistice by both sides would have to be secured, since the Porte could not well be called upon to suspend operations against the insurgents while the insurrection was receiving support from Servia and Montenegro, and the insurgents strengthening their position, and recruiting their forces, and obtaining arms and supplies. The mere fact of the insurrection remaining un-suppressed would be likely to give it additional vitality, and the result of an armistice might, therefore, be to lead to a rejection of any demands which the Porte might fairly be expected to concede, and thus hinder rather than advance the prospects of pacification.

At the same time Her Majesty's Government would not advise the Porte against acceding to an armistice should the Turkish Government consider that the political and military position admitted of it, and its result would be likely to be beneficial, although, in view of the objections which I have mentioned, and others of a similar character which will readily occur to your excellency, Her Majesty's Government do not feel justified in recommending it to the Porte, still less in insisting upon its acceptance.

In my dispatch of the 15th instant I have informed your excellency of some of the objections which I stated to Count Münster had occurred to me in regard to the five points which were proposed as a basis for negotiation between the Porte and the insurgents. A further consideration of the proposals has not led to any modification of the opinion I then expressed.

Her Majesty's Government doubt whether the Porte has the means of providing for the reconstruction of the houses and churches of the insurgents, or of finding subsistence for the returning refugees. If Her Majesty's Government are rightly informed, the cost would be very heavy, and the Porte has not the requisite funds at its disposal.

The distribution of relief by such a commission as is contemplated would be little better than a system of indiscriminate alms-giving. It would probably be beyond the power of the Porte to adopt, and, if adopted, would prove utterly demoralizing to any country.

Her Majesty's Government do not mean to say that the Porte would not be wise in affording any practical facilities and inducements for the return of the population who have quitted or been driven from their homes owing to the insurrection, but they do not consider that they can urge upon the Porte to undertake engagements the observance of which would be beyond its power.

The concentration of the Turkish troops in certain places would be delivering up the whole country to anarchy, particularly when the insurgents are to retain their arms.

The consular supervision would reduce the authority of the Sultan to a nullity; and, without force to support it, supervision would be impossible.

Even if there were any prospect of the Porte being willing and able to come to an arrangement with the insurgents on the basis proposed, which Her Majesty's Government scarcely believe possible, the intimation with which the memorandum closes would render any such negotiation almost certainly abortive, for it could not be supposed that the insurgents would accept any terms of pacification from the Porte in face of the declaration that if the insurrection continued after the armistice the powers would intervene further.

Regarded in this light, the proposal of an armistice seems to Her Majesty's Government to be illusory.

There is another point not referred to in your excellency's telegraphic summary, but to which it is necessary for me to advert, viz, the proposal in the third paragraph of the memorandum that the powers should agree upon the measures to be taken by their respective naval forces for the safety of foreigners and of the Christian inhabitants of the Ottoman Empire at Salonica and other places where it might be threatened.

Her Majesty's Government have already ordered that Her Majesty's ship *Swiftsure* should proceed to Salonica, and that Admiral Drummond, with three other vessels of war, should go to Besika Bay, where he will be in ready communication with Her Majesty's embassy, and an additional vessel of small size has been placed in attendance at Constantinople at Sir H. Elliot's request. They have heard that other powers have reinforced their squadrons in Turkish waters, and that there is a considerable naval force assembled at Salonica.

Her Majesty's Government do not doubt that the measures thus taken will have had a good effect in affording confidence to the subjects of Great Britain and other powers at Salonica and elsewhere; and they will readily give instructions to Admiral Drummond, and the captains of Her Majesty's ships under his orders, to give any protection and assistance which may be necessary for the preservation of the lives and property of foreign subjects, should they unhappily be in immediate danger, either in concert with the commanding officers of the ships of the other powers or, in the absence of any such ships, on their own responsibility. Her Majesty's Government do not, however, at present apprehend any necessity for such measures, and they are of opinion that care should be taken that the naval forces of foreign powers are not employed in any manner contrary to the treaty-rights of the Porte or subversive of the Sultan's authority.

Your excellency is authorized to read this dispatch to Prince Bismarck, and to leave a copy with his excellency, should he desire it.

I am, &c.,

DERBY.

[Inclosure 5 in No. 156.—Translation.]

THE ADDRESS OF HIS MAJESTY THE SULTAN ON THE DECLARATION OF WAR.

\* \* \* \* \*

The Russian Government has broken its relations with and declared war against us. From all sides the armies have invaded our frontier. Relying upon the aid and favor of God, the dispenser of victory in just causes, and upon the spiritual assistance of the Prophet, we see ourselves obliged to resort to arms.

As all our subjects very well know, the Russians, ever cherishing a spirit of ambition and of covetousness toward our states, have never ceased watching for an occasion to attack us.

The insurrection which broke out two years ago in Herzegovina, the fruit of the pernicious seed which they there sowed, served them as an instrument for kindling the flame of revolt among the Bulgarian inhabitants of the vilayets of the Danube and Adrianople, and likewise in Servia and Montenegro. Wholly creating these troubles among us, they have sought by calumnious accusations to render public opinion hostile to us. It is a matter of public notoriety that, animated with the most peaceful sentiments, we have never declined to listen to the counsels of the friendly powers.

But our enemy makes it appear the purpose he follows is nothing but the annihilation of our independence, our rights, and of our country itself, and he cannot be satisfied so long as he has not attained it. Finally, to-day he attacks us, contrary to right and with no legitimate motive.

The Supreme Judge, who protects right and justice, let us hope, will accord us victory and safety.

By reason of this aggression of the enemy our state is placed in a difficult situation, which, as history attests, cannot be compared to any of the crises through which, until the present time, the country has passed.

Consequently, in my character as khalif and sovereign, I appeal to the union and the moral and material accord of all the children of the country, who, in the interest of their common right, of which, in this country, they enjoy full liberty, are in duty bound to place themselves on their guard against this enemy of liberty, who has smothered the language, the faith, and the religion of so many peoples who to-day groan under his oppression.

Since my accession to the throne my sole and principal care has been the liberty and prosperity of all the Osmanlis, and the preservation of our rights and our independence. The constitution that I have promulgated with this end is the incontestable proof of this. By way of retaliation I only demand of you fidelity and loyalty to your duty as subjects, and your concord and union for the preservation of the rights and the independence of the country.

Consequently, taking the example of your brother soldiers, who labored with courage and bravery, even to the sacrifice of their life, to safely guard the rights and honor of the Osmanlis against the aggression of the enemy, and believing that in everything your sovereign is with you, it is incumbent upon you to be united and ready for sacrifices for the safety of the land, to never forget that you are all children of the same country, and to defend the wealth, the life, and the honor of your compatriots as you would defend your own property, life, and honor.

I ought to add, further, that the greatest honor in the world is for a man to love his country and to fulfill the duties which devolve upon him by reason of this love.

You will show to all that you can march in the steps of your fathers and your ancestors when the safety of the rights and the independence of the common country is concerned, and I trust you will be proud of each drop of blood our enemy, contrary to all right, compels us to spill for the preservation of our honor.

On the other hand, our enemy, pretending that the Mussulmans have certain bad intentions against their fellow-citizens professing other religions, puts forward the pretense of taking these citizens under his exclusive protection by declaring the imperial government responsible for every prejudicial act of the latter.

I am convinced that all faithful subjects, continuing to live together in perfect concord as brothers and compatriots, will give a formal denial to this false idea.

Although at war with the power who has wished to bring reproach upon our rights and independence, our relations with the other friendly powers have suffered no alteration.

I recommend to you, then, the people of these powers who may come into our states as travelers or as merchants. You will give your attention to it that nothing the least prejudicial shall happen to them, and that everywhere they may enjoy the most perfect security.

You are requested to publish these presents to all mutessarifis and caïmacams of the sandjaks and cazas, to the mudirs and functionaries of the province, and to the whole population placed under your jurisdiction, and act in accordance.

Given in the year of grace 1294, the 18th of Rebi-ul-akhir. (May 1, 1877.)

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No. 326.

*Mr. Maynard to Mr. Evarts.*

No. 159.]

LEGATION OF THE UNITED STATES,  
Constantinople, June 9, 1877. (Received July 17.)

SIR: Since the beginning of the present war between Turkey and Russia, the attitude of Hungary has been observed with some interest. In this connection certain recent occurrences deserve mention as indicative of the sentiments of the Hungarians toward the Ottoman Government, and at the same time illustrating the force of traditionary popular gratitude.

When the cause of the Hungarian patriots failed in 1849, Kossuth and his associates, numbering several thousand, took refuge in Turkey, where they found an asylum, and were protected against the attempts of both Austria and Russia. (See Mr. Brown's dispatch No. 5, September 1, 1849; Mr. Marsh's No. 2, November 9, 1849; Mr. Brown's No. 12,



February 18, 1850; Mr. Marsh's No. 3, March 14, 1850, and No. 4, March 25, 1850.) Many of them ultimately went from Turkey to America under the auspices of our government.

Last winter, during the session of the conference, a deputation of Hungariau students from the University of Pesth came to Constantinople, bearing the present of a sword to his excellency Abdul-Kerim Pasha, the *serdar ekrem* or generalissimo of the Ottoman forces, who had recently finished a successful campaign in Servia. They were received with great distinction by the imperial government, lodged and entertained at the public expense during their stay of some ten days, and loaded with favors on their departure. Plenipotentiaries could not have been more enthusiastically fêted than were these young men who represented no one but themselves and their fellow-students, and nothing but the sympathies and gratitude of their countrymen.

As a sequel to this transaction, a reciprocal deputation of softas, the higher-class students of theology and law, was sent early in April to Buda-Pesth, bearing with them, by authority of the Sultan, certain of the so-called Corvinian manuscripts. The history of these literary treasures is briefly this: Corvinus, the Hungarian monarch, added to the splendor of his reign by collecting what was for that day an immense library, principally of illustrated manuscripts. When Soleiman the Magnificent overran Hungary, in 1526, he carried away from Pesth to Constantinople, with other immense booty, what the historian Jouaninim calls "La belle bibliothèque de Matthias Corvin." The proud Hungarians have again and again attempted to recover these precious relics of their period of happiest memory, but without success. During the three and a half centuries subsequent, the library would unavoidably suffer great detriment, even if preserved more carefully than it has been by the Turks. Though kept at the seraglio, in the same building with the sacred banner, the prophet's sword, and other similar objects of Mussulman veneration, the books had no religious character, and their value in the estimation of Europeans was not appreciated. At the same time they were so withdrawn from the public eye that few non-Mussulmans ever saw them. What their present number or condition may be none but the faithful have the means of knowing.

The softa deputation carried, in all, thirty-five manuscripts, containing, besides the Holy Bible, works of Aristotle, Plutarch, Cicero, Cæsar, Dante, and other great writers of antiquity. The bearers of this present, so peculiarly dear to the Hungarians, seem, from the published accounts, to have met at Buda-Pesth attentions even more distinguished than had been accorded to the student delegation in Constantinople. And on their return in the middle of May, after an absence of a month, their welcome home by their associates was almost an ovation.

Whether these sentiments exhale in manifestations of enthusiasm, or assume a more effective style, will depend very much, probably, upon the turn of events.

I have, &c.,

HORACE MAYNARD.

No. 327.

*Mr. Maynard to Mr. Evarts.*

No. 162.]

LEGATION OF THE UNITED STATES,  
*Constantinople, June 26, 1877.* (Received August 20.)

SIR: I have the honor to acknowledge your dispatch No. 126, dated May 28, 1877, transmitting a copy of correspondence between the Department of State and the president of the board of delegates of American Israelites. It was announced by telegraph weeks ago that such a dispatch had been sent, one of the very few items of intelligence communicated by that channel. The telegram from the Department disapproving of the course of Mr. De Haas, being of subsequent date, I assume should be construed with the dispatch. I at once prepared an instruction to the consulate-general at Constantinople, of which a copy is inclosed.

The number of Israelites in Turkey is variously estimated. In European Turkey it may be set down at 75,000; in Asiatic Turkey at a few thousand more, making an aggregate, probably, of 155,000. This estimate does not include Egypt and the African possessions, nor the tributary provinces of Roumania and Servia. In the former of these provinces the Israelites are reckoned at about 250,000; in the latter at less than 2,000. In the whole Ottoman Empire they must number nearly or quite 500,000.

During my term of official service a single instance only of maltreatment suffered by this faith has been brought to the notice of the legation. That was the case of the Rabbi Sneersohn, an American Israelite, grievously outraged by his co-religionists at Tiberias, in November, 1874. The history of it will be found in my note to Sir Henry Elliot, Her British Majesty's ambassador, and in a verbal note from the legation to the imperial ministry of foreign affairs. To both notes satisfactory answers were returned, and I transmitted them, with an instruction, to the United States consul at Beirut. Meanwhile the rabbi, wearied and impoverished by the delay, seems to have abandoned all hope of redress, and to have gone, I believe, to France; possibly he returned to America. Nothing further has been done in his case; indeed, in his absence, nothing could be done.

My attention was drawn to the situation of the Israelites in the provinces by receiving, in January last, a copy of a memorial addressed to the conference, then in session at Constantinople, by a body of Hebrew delegates assembled in convention at Paris. I inclose a copy of the letter transmitting it. The memorial itself appears to have been sent to Washington, and is no doubt on file in the Department of State. I took occasion to present the matter, unofficially, to members of the conference, the inconclusive result of whose labors is known.

I have referred to the telegram from the Department of State, disapproving the course of Mr. De Haas. A dispatch from him has been shown me, explaining that the protection extended by him and disapproved of by the Department was given to certain Israelites in and around Jerusalem who had been protected by the Russian consulate, and who, at some time, had lived themselves or their ancestors in Russia, but who at present have no national allegiance, being, as he expresses it, a scattered remnant of God's ancient people.

This recapitulation embraces all the occasions I have had to consider the situation of the Israelites in Turkey until I received your dispatch No. 126.

The communication addressed to the Department of State by Mr. Isaacs, president, refers mainly to the persecuted Hebrews of Roumania. No doubt the persecutions have been greater there than elsewhere in the empire; and this for a variety of reasons. Among others, they are as numerous in this province, I have shown, as in all the rest of the Ottoman dominions. A trace of their persecution appears in the correspondence of the legation. (Mr. Morris's dispatches, Nos. 363 and 364, of May, and 370 of July, 1870.) Recently Her British Majesty's Government presented to the House of Commons, in pursuance of their address, a correspondence respecting the condition and treatment of the Jews in Roumania and Servia. It forms a blue-book, so called, of some 360 pages, containing 644 papers, beginning in March, 1867, and concluding in April last, thus covering a period of ten years, and is the fullest as well as the most authentic narrative on that subject I have seen.

In ordinary times the authority of the Ottoman Government in Roumania is very slight indeed. At the date of Mr. Isaacs's correspondence with the Department of State the province was in the military possession of Russia, and it has so remained until now, to the entire exclusion of the Sublime Porte. The United States consular agent at Bucharest, himself an Israelite, as I am informed, and our only consular officer in the two provinces of Roumania and Servia, enjoys a superior reputation, indeed, and, by comparison, it would be advisable, in my opinion, to give him consular rank.

Justice to the Turks requires me to say they have treated the Jews much better than have some of the western powers of Europe. When banished from Spain, for instance, they found an asylum in Turkey, where their descendants remain to this day, distinguished from the others of the same faith by the use of the Spanish tongue. An impression prevails that under Turkish rule the treatment of the Jews is better than that of the Christians. They are recognized as an independent religious community, with the privilege of possessing their own ecclesiastical rule, and their chief rabbi (*chacham-bashi*) possesses, in consequence of his functions, great influence.

Yesterday, during my weekly call upon the Minister of Foreign Affairs, I introduced the subject. His excellency protested that where the Turkish rule obtained the Israelites had always enjoyed every privilege and immunity accorded by the laws to Ottoman subjects. His language in this sense was very emphatic. For their treatment in the provinces the Sublime Porte could not justly be held responsible. Yet, even then, in the late treaty with Servia, they had exacted from her a promise of justice to these much-injured people.

If any grievances are reported, or otherwise come to my knowledge, I shall interpose for relief.

I am, &c.,

HORACE MAYNARD.

[Inclosure 1 with No. 162.]

*Mr. Maynard to D. Stamatiades.*

No. 166.]

LEGATION OF THE UNITED STATES,  
*Constantinople, June 23, 1877.*

SIR: A recent dispatch from the Department of State transmits a copy of a correspondence between the Department and the president of the board of delegates of American Israelites, respecting the reported situation of the Hebrews in the Turkish provinces, especially those now the theater of war, and directs me to give such instructions to our consular representatives the provinces as will be, in my judgment, in view of the peculiar exigencies of the situation at present, best adapted to secure to our Israelites the desired protection. A telegram of subsequent date from the State

Department disapproves of the course of one of our consuls in giving protection to certain Jews in the vicinity of his consulate.

In conformity with these directions, will you please instruct all the consular officers of your jurisdiction to observe carefully the condition of the Hebrews within their consular districts, and any instances of persecution or other maltreatment to report without delay to the legation, calling the attention to them unofficially of the governors or other Ottoman authorities. At the same time they will not take them under the charge of their consulates, or extend to them the protection due only to American citizens.

I am, &c.,

HORACE MAYNARD.

D. STAMATIADIS, Esq.,  
*Vice-Consul General, Constantinople.*

[Inclosure 2 with No. 162.]

*Mr. Maynard to Sir Henry Elliot.*

LEGATION OF THE UNITED STATES,  
*Constantinople, January 25, 1876.*

SIR: The case of the Rabbi Sneersohn has been brought again to my attention by his arrival in this city. The following appear to be the facts:

1. He is an American citizen. Of this there is indubitable proof. He also bears credentials, recognized by me as genuine, from persons well known by me and highly respectable and influential.

2. About one year ago, in Tiberias, he was set upon by lawless persons, robbed of a considerable amount, and subjected to great bodily ill-usage.

3. He applied for redress to Her British Majesty's consul at Beirut, who, after investigation, did not deem it his duty to interfere, but gave him and the United States consul to understand that the offenders were not British *protégés*, and would not be protected by the British Government. Possibly he may have been misunderstood.

4. He then, with the assistance of the United States consul, proceeded against the offenders before the Ottoman local tribunal, by which several arrests were made; but, pending investigation, the prisoners were rescued by their friends, and the authorities set at defiance.

5. Appeal was then made, on behalf of the rescued parties, to Her British Majesty's consul at Beirut, and the matter referred to the British embassy in Constantinople, complaining that the United States consul had been guilty of gross, perhaps wanton, misconduct toward British *protégés*.

6. This led to a correspondence between your excellency and the United States legation, but has reached no definite results, and which, inasmuch as the consul whose action was drawn in question has been superseded by his own government, and no principle especially involved, ceases to be important.

7. Meanwhile the aggrieved party remains without redress.

Now, in view of the foregoing, and for the attainment of justice due to all alike, I would suggest that such instructions be given to Her British Majesty's consul at Beirut as to secure to Mr. Sneersohn adequate redress, by his own official action, if he shall find the wrong-doers to be persons under British protection, or, if not, by leaving them to the action of the Ottoman tribunals. If they are British *protégés*, let them be dealt with by British law; if Ottoman subjects, by Ottoman law. They should not escape British justice as Turkish subjects, and Turkish justice under British protection.

I embrace the occasion to express, &c.

HORACE MAYNARD.

His Excellency the Right Hon. Sir HENRY ELLIOT,  
*Her British Majesty's Ambassador.*

[Inclosure 3 with No. 162.]

*The United States Legation to the Ministry of Foreign Affairs.*

LEGATION OF THE UNITED STATES,  
*Constantinople, January 25, 1876.*

(Verbal note.)

THE AFFAIR OF THE RABBI SNEERSOHN, AT TIBERIAS.

The legation of the United States of America invites the attention of the imperial ministry of foreign affairs to the affair of the Rabbi Hiram Z. Sneersohn, an American citizen.

The facts, as reported to the legation, are briefly these: On the 28th of November,

1874, the said Rabbi Sneersohn was set upon by certain Jews at Tiberias and robbed of a considerable amount, and most shamefully maltreated by being imprisoned, stoned, stripped naked, and in this condition ridden through the streets of Tiberias, insomuch that he barely escaped with his life to Jerusalem, where he was confined in hospital, by reason of his said treatment, about two months.

After his recovery he applied for redress to the United States consul at Beirut, who went in person to Tiberias and laid the matter before the caimacam and medjliss. They took jurisdiction of the case and proceeded to have the offenders arrested. This was on the 27th of May, 1875. One of the chief men arrested pretended to be under British protection, and asked permission to go to his house for papers to establish his claim. This was granted him, and he availed himself of the opportunity to mount a horse and escape.

The friends of the arrested parties, men and women, assembled to the number of several hundred, overawed the caimacam and medjliss, broke open the prison, and released the prisoners. The caimacam not having sufficient force to rearrest the parties, the matter has remained until this time without further action. The injured party recovered his passport and naturalization-papers, but not the money of which he was robbed, nor have the offenders been punished, most of whom, and it is believed all, are unquestionably Ottoman subjects.

The legation of the United States of America hopes that the government of the Sublime Porte will make such orders that the caimacam and medjliss of Tiberias will proceed at once to rearrest the said offenders, so unlawfully rescued, to the end that justice may be executed upon them and reparation made to their victim.

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[Inclosure 4 with No. 162.]

*Mr. Maynard to Mr. Edgar.*

No. 65.]

LEGATION OF THE UNITED STATES,  
*Constantinople, March 4, 1876.*

SIR: The rabbi, H. Z. Sneersohn, whose ill treatment has, first and last, been the occasion of a rather voluminous correspondence, has visited this city in person and invoked my intervention in his behalf.

I addressed a note to Her British Majesty's ambassador, a copy of which I inclose, also a copy of his reply.

I further addressed a note to His Excellency the minister of foreign affairs, of which I send you a copy. This has resulted in a vizierial order, which will be inclosed with a translation, and a translation of my note into the Turkish language.

The inclosures are for your information, the Turkish documents to be used.

You are instructed to take early and efficient steps toward bringing to justice all parties who have maltreated and robbed the Rabbi Sneersohn, as well those claiming British protection as the professed Ottoman subjects, the former in the British tribunal, the latter before the Ottoman magistrates.

I am, &c.,

HORACE MAYNARD.

JOHN T. EDGAR, Esq.,  
*United States Consul, Beirut.*

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[Inclosure 5 with No. 162.]

*Mr. Seligman to Mr. Maynard.*

PARIS, *January 2, 1877.*

SIR: I beg to send you a memorial, a copy of which, duly signed, has been sent to our government at Washington. This memorial has passed unanimously a body of delegates assembled in convention in this city, representing nearly every nation of Europe and also the United States.

Notwithstanding that the treaty of Paris guaranteed to all creeds and sects full religious, civil, and political liberty, the Governments of Roumania and Servia have oppressed and tyrannized their Jewish inhabitants, and passed laws making the condition of these poor Jews almost intolerable. You are, no doubt, aware of the terrible persecutions perpetrated upon this people in Roumania.

To prevent a repetition of these inhuman and barbarous practices in any of the provinces of Turkey now forming the subject of discussion at the Constantinople conference, this memorial was drawn up and presented to various governments.

So far the Governments of France, England, and Germany have responded favorably, and have instructed their delegates or ambassadors accordingly.

Our government will receive this memorial too late to give you any instructions in time. I therefore took the liberty of forwarding you a copy of it.

I am fully aware that our government represented by you could do no more than to bring its moral influence to bear in favor of true liberty.

From your political record and my personal knowledge of you, I feel convinced that you will do all you can consistently to favor the object of this memorial, and I beg you to use your influence toward the accomplishment of it. The mode and manner, time, &c., of aiding us I leave entirely to you.

I beg you to receive my thanks in advance, and to assure you that I will appreciate any services you may render us.

I have, &c.,

WILLIAM SELIGMAN.

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No. 328.

*Mr. Maynard to Mr. Evarts.*

No. 168.]

LEGATION OF THE UNITED STATES,  
*Constantinople, July 2, 1877. (Received August 27.)*

SIR: I had the honor, in my dispatch No. 144, dated April 7, 1877, to announce the convening of the general assembly under the new Turkish constitution. Saturday last, the 30th of June, the session terminated.

A few days before its close I attended one of the sittings of the House of Delegates, accompanied by my wife, the only lady present, although not the only one who had witnessed the deliberations. I observed a marked change in the bearing of members since my previous visit in April; much greater eagerness and earnestness in debate, and consequently less regard for decorum of manner. Work rather than manners had the upper hand. Spectators have not been admitted to the Senate. I have not had access either to their acts or journals, printed exclusively in the Turkish language, and am not prepared to speak of either from a personal examination.

Those friends of Turkey who hoped for a new departure and great results from the constitution, have not yet realized the full measure of their expectation, and some of them have expressed their disappointment with much bitterness of speech.

Among them was the *Levant Herald*, which had been very pronounced in its vindications of the Sublime Porte. The daily issue of June 19 contained an elaborate article, in both English and French, at once disparaging the labors of the General Assembly and denouncing the parties alleged to have operated their inefficiency.

It is an instructive commentary upon an interesting chapter of Turkish affairs, and is therefore inclosed. It at once drew down censures from the director of the press, and two days afterward the paper, the only English publication in the capital, was suppressed.

The Ottoman constitution provides that the General Assembly shall convene annually on the 1st of November, the session to be opened by an imperial iradé—(solemn decree). Whether it convenes on the 1st of November next will depend, probably, on events yet to occur.

Since the promulgation of the constitution, the affairs of the empire have been so exceptional in character that it would be quite premature to express any opinion of its workings. In times like these the laws are proverbially silent.

I am, &c.,

HORACE MAYNARD.

[Inclosure.]

[Article from the Daily Levant Herald of June 19, 1877.]

The first session of the Ottoman Parliament is at its close.

A brief review of the work it has done, and of the impression it has made, therefore becomes seasonable; and it is pleasant to feel that although the former has yielded little in the way of tangible result, the latter is nevertheless distinctly hopeful, and for instruction profitable.

The session has, it is true, been sterile of practical result, not because men of practical views were wanting in the chamber, but simply because practical questions have been studiously kept out of Parliament's way; and that for reasons which we may more closely investigate hereafter, but upon which a few words in the way of general explanation must now be said. The Ottoman Parliament is the fruit, so far the sole fruit, of the constitution of January, 1877, which is the outcome of the revolution of May, 1876. This revolution was promoted by three distinct classes of men: first, those who desired a dynastic change from a sincere conviction that the decline of the empire was directly caused by the sins of the then Sultan, but who had no predilections for a constitutional form of government, and accepted the constitution only as an unavoidable rider to the revolution which was to give the empire a new sovereign; secondly, those whose views, hopes, and desires centered on the constitution, and only countenanced the deposition as a necessary preliminary to its proclamation; thirdly, those who joined the revolution, without political feeling, because it offered better chances of personal advancement than the existing régime. Personal antipathy to the sovereign or his favorites tinged perhaps more or less the political sentiments of the two former classes of revolutionists. But there was no political or other mixture in the pure egotism of the third; it was too genuine to bear alloy.

The strange fatality that broke the first rush of the revolution dislocated also the mechanism which gave it its impulse.

It brought to the throne a sovereign who, in humanity, liberality, and all the gentler virtues, was the equal, as in intellect and force of character he was the superior, of the first successor of Abdul-Aziz; so that the second dynastic change, necessitated by the mental collapse of the unfortunate Murad, should have favored rather than marred the prospects of the revolution.

Nevertheless, it failed to do so, because the second effort destroyed the balance of the revolutionary forces.

The political force became divided against itself; and the personal force, already enforced by realization of profit in the adventure, gathered strength to overthrow the survivor in the political contest that was to follow.

The first cabinet of the present Sultan, representing the first of the three classes named above, naturally became conservative as soon as its one object of dynastic change was attained; and therefore, while it lasted, the constitution remained behind the scenes. The pressure of the reform party (class 2), aided by that of individual interest (class 3), overthrew it, and the constitution was proclaimed. The conservatives being routed, there remained only one political force to deal with. The cabinet of reform was soon overturned, and the party of personal interest—the reactionists we will call them—reigned triumphant.

The empire then presented a singular spectacle. It had undergone a complete revolution. Two Sultans had been deposed, one driven to suicide, another to madness; ministers had been assassinated in cabinet council; society had passed through a period of great agitation; and finally the country had obtained a sovereign, intelligent, modest, humane, liberal, and conscientious; a constitution had been granted, and a national assembly created. And yet, notwithstanding all this, such were the dominant influences, that the worst vices of the old régime were rampant in the new one; the blood of Abdul-Aziz proved to have been shed in vain—the revolution had missed its mark.

Nor was this all. The political advantages painfully won by the patient statesmanship of Mehemet Ruchdi and Safvet, through the trying season of the Slav rebellion and the conference labors, shared towards their conclusion by Midhat and Edhem, were recklessly pitchforked away by men wholly incapable of appreciating them; and foreign opinion, misunderstanding the phenomena, began to exclaim that Abdul-Hamid's mind had gone in search of that of his elder brother; began to sneer undisguisedly at the constitution which had been paraded before Europe at the conference; began to mock the so-called Parliament which came of it. Leaving aside the Grand Vizier, who was alone induced to accept office by his strong personal attachment and devotion to the sovereign, the civil offices in the administration which ushered the new Parliament into life were held, with one exception, by reactionists; and this exception was due solely to the fact that the party of personal interest had not in its ranks a man possessed of the education and knowledge of routine, to say nothing of the statesmanship, requisite to preside over the department of foreign affairs. These were the unpromising conditions under which the first Ottoman Parliament assembled. Regarded by the domi-

nant party with outward disdain and secret fear, it was kept occupied as much as possible with matters of form, and only on one occasion did that party consult the chamber.

This was upon the Montenegrin question; a question for the calm deliberation and decision of statesmen fully informed of all its complex political bearings, and advised upon all military points included in it. In any such council terms would have been made with Montenegro, for every political and military consideration pointed in that direction.

But in war lay the only chance of the reactionist party. The question was accordingly referred to the chamber; a false enthusiasm was stirred up by goading national vanity; and the chamber was entrapped into committing itself to an opinion which perhaps had a spurious ring of heroism about it, but which certainly compromised and discredited the judgment of the assembly, and at the same time played straight into the hands of its deadliest foe.

It would be eminently unfair, however, to gauge the judgment of the chamber by the standard of this opinion. Uninformed on the question itself, and, as yet, undisciplined and untrained, it was easily hounded into the trap by the chauvinist hooting and hallooing of the reactionists and their myrmidons. Light, therefore, will be the condemnation awarded to the chamber for their mistake, arising as it did only from the want of self-possession which comes of knowledge and experience. Only in one other instance does the judgment of the chamber strike us as having been in fault, and that was on the occasion of Zuhdi Bey's mission to London.

A better opportunity might have been found for attacking at the root a deadly evil, of which the case of Zuhdi was only a branch. In all other matters the chamber has labored with wisdom and diligence, and borne itself with dignity and patience under the trying conviction that its labors were foredoomed to sterility.

Barren as they have been of direct result, however, these labors have proved two facts, the demonstration of which cannot but influence the future history of the people. The one is that the heretofore almighty bureaucratic hierarchy does not monopolize all the intelligence of the country, and that, outside its sacred zone, there exist in this empire men in ample supply, possessing in a remarkable degree the gifts requisite for members of a national assembly. Habit only is wanting to fit these men thoroughly to constitute the great working power of the state; such as it may be hoped the chamber of deputies will ere long become. So little did oligarchism know of the steed he bestrode that he held it to be but a sorry beast, without vigor or spirit, and, in truth, his style of equitation had been well calculated to break down both. But the session has shown oligarchism to be in the wrong. The power of the future is no longer in the rider, but in the ridden. The other significant and instructive fact of the two which the session has proved is that the Mohammedan is essentially and broadly liberal in his sentiments. The whole series of debates has not discovered a trace of fanaticism or of religious prejudice or exclusivism; more than that, it has belied the existence of such sentiments and has brought forward Mohammedan deputies as the most zealous advocates in the chamber of equality of rights and duties, of the admission of non-Mussulmans to the army, and of the distribution of public offices without reference to race or creed. Thus, a clear and emphatic refutation has been given to the slander in which oligarchism, jealous of all change, has found a pretext for staving off the day of reform. The plea of the tenderness of the religious susceptibilities of Islam can never be urged again as an argument against social progress. The Mohammedans hold their own creed with the devotion of a strong and true conviction; but they recognize the sacred right of liberty of conscience; and so far from exercising toward other creeds a "contemptuous tolerance," as has been falsely alleged, their principles are to promote social intimacy and equality with those of different faith. In fact, this old bugbear of popular fanaticism has been made to vanish. There is only one fanatic in the empire—the oligarchy—and his is not a religious fanaticism. As to the popular sentiment expressed by the deputies, it is in perfect tune with the sincere protestations made the other day to the Greek patriarch by the Sultan. Between the sovereign and the Parliament exists a perfect unity of sentiment; the one and the other are equally liberal, progressive, and humane. It does no small credit, then, to the skillful manœuvring of the party of reaction that it should have been able effectually to hold both in check.

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No. 329.

*Mr. Maynard to Mr. Evarts.*

No. 169.]

LEGATION OF THE UNITED STATES,  
Constantinople, July 3, 1877. (Received August 27.)

SIR: Another month of the Turco-Russian war has passed without results and with no important actions.

In Asia the Turks have undoubtedly held their own. Although the



Russian armies have crossed the frontier and have made formidable demonstrations, they do not appear to have gained any advantages. True, the Turks have gained no victories in battle, but as the campaign on their part is entirely defensive, the failure of their enemies to advance is for them a continuing victory.

In Europe the Danube still separates the combatants. The unusual spring-tides have made it impossible for either army to cross—an undoubted advantage to the Russians, since it has left them unmolested to bring in their trains to the river and to make efficient preparations for crossing when the waters shall subside. There has been a good deal of cannonading from the two banks, but apparently without military results, though attended with destruction of private property and much inconvenience to the non-combatant population. The United States consular agent at Rustchuk, who is also Her British Majesty's consul, reports the bombardment of that town by the Russian batteries near Giurgevo on the opposite shore. Though he had both the American and the British flags displayed, his consulate was shattered, and the archives thrown into confusion, and his own life was saved by flight. The town itself was nearly destroyed, though the military works were scarcely touched. Great barbarities are charged by each side upon the other, chiefly for moral effect abroad. Many instances which have been brought to my notice seem, from my experience during four unhappy years in our own country, to be incidental to a state of war, rather than the habitual cruelties of a savage people.

In Montenegro the Turks have maintained their large and well-appointed armies, in numbers exceeding all the fighting population of that diminutive province. Their generals report complete success. They have undoubtedly revictualled the strong fort of Niksitch, but they do not appear to have penetrated far into the territories of the wild mountaineers. Nor do I perceive that the latter have capitulated or laid down their arms, or even ceased to fight.

The next two months may be expected to witness greater activity and more decisive results.

Some of our countrymen have shown a disposition to enlist in the war. Such a disposition cannot be too strongly discountenanced.

I have, &c.,

HORACE MAYNARD.

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No. 330.

*Mr. Maynard to Mr. Evarts.*

No. 170.]

LEGATION OF THE UNITED STATES,  
Constantinople, July 5, 1877. (Received August 27.)

SIR: I have the honor to announce the celebration in Constantinople of the one hundred and first anniversary of our National Independence.

Our national vessels in the harbor and the national vessels of other powers were dressed on the occasion, and the flag displayed from many private houses of American citizens as well as from the United States consulate and legation. The festivities of the day were purely social in their character; receptions in the morning on the United States corvette *Vandalia*, and in the evening at the legation, attended by the American colony *en masse*, both sexes and all ages. It was in every way a patriotic demonstration, and, I am happy to add, with no excesses or casualties to deplore.

I am, &c.,

HORACE MAYNARD.

No. 331.

*Mr. Maynard to Mr. Evarts.*

No. 172.]

LEGATION OF THE UNITED STATES,  
*Constantinople, July 19, 1877. (Received September 3.)*

SIR: I have the honor to announce a change in the imperial ministry of foreign affairs. A note of this date from his excellency Aarifi Pasha informs me that His Imperial Majesty the Sultan has been pleased to appoint him to that high office.

His excellency Safvet Pasha has been the minister of foreign affairs since the catastrophe of June 16, 1876 (see my dispatch No. 72, dated June 17, 1876), an uncommonly long period of official tenure. It is understood he has been tendered the ministry of public works, but that he declines to accept it, preferring to remain for the present *en disponibilité*.

This is the second time his excellency Aarifi Pasha has filled the same office. He held it from May, 1874, to January 16, 1875, eight months, and was succeeded by his excellency Safvet Pasha. (See dispatches of Mr. Goodenow No. 26, dated May 18, 1874, and of Mr. Boker, No. 258, dated January 18, 1875.)

This change is stated, on what appears to be good authority, to be the result of a grave misunderstanding between his highness Edhem Pasha, the grand vizier, and the late minister, in matters pertaining to the war. The latter is believed to favor a policy looking to the restoration of peace. Nothing but decided military success will prevent other important ministerial changes.

I am, &amp;c.,

HORACE MAYNARD.

No. 332.

*Mr. Maynard to Mr. Evarts.*

No. 173.]

LEGATION OF THE UNITED STATES,  
*Constantinople, July 31, 1877. (Received September 10.)*

SIR: During the month just closing the Turco-Russian war has developed much more activity and energy on the part of both combatants than had previously been displayed.

In Asia the Turks, after accumulating a very large force, took the offensive, and attacking the Russians in detail, have driven them quite across the border. So that the campaign in the east, on the part of Russia, appears at this moment to be a complete failure, with Soukoum-Kaleh still in the possession of the Turks.

On the other hand, in Europe fortune has been with the Russians. When the swollen Danube had so far subsided as to admit of crossing, they entered the Dobrudja near Hirsova, and took possession of the region between the Danube and the Black Sea as far as Kustendje (Constantia). At the same time another, and it is understood a superior body, crossed further up at Sistova. No serious opposition, certainly no effective opposition on the part of the Turks, appears to have been made to these movements. The Russians next attacked and carried Nikopolis, a strong post on the Danube a few miles above Sistova. This gave them command of a portion of the river sufficiently extensive for an unobstructed passage, and a numerous army came over. With no

data at command, and no authority to rely upon but rumor, I shall make no attempt to give numbers.

Having thus secured a safe and easy passage over the Danube, they moved forward to Tirnova, the ancient capital of Bulgaria, and carried it with but little resistance. Pushing southward, they crossed the Balkans by a pass which is said to have been overlooked by the Turks, and left with little or no defense, and by the middle of July had established themselves at Kesanlyk, a town on this side of the mountains. Continuing their progress, they took possession, on the 22d of July, of Eski-Sagra, a city containing by estimation from 20,000 to 25,000 inhabitants, of whom one-third were Turks, and the rest Christians, Jews, and other non-Mussulmans. From this city, as a base, detachments moved upon several points in the vicinity, one of them, a small troop of cavalry, reaching the railroad just the other side of Adrianople, and destroying a station and several yards of track.

Beyond the Balkans, the Russian right, resting upon Plevna, was attacked by Osman Pasha from Widdin. After a serious conflict, the Turks remained masters of the place, losing heavily, indeed, but inflicting a much heavier loss upon the Russians.

This, so far as we have intelligence deemed trustworthy, is the attitude of the two armies at present. There are rumors many and exciting, most, if not all, of which will very likely turn out to be unfounded.

These rumors, however, work great uneasiness in the city, so great as to endanger the public safety by creating a panic, which would itself produce the very evils so much dreaded.

This feeling of alarm seems to possess all classes, but especially those best informed and those usually the coolest and most reflecting. While I confess I do not share the general apprehension, I have taken action to some extent as though I believed it well founded. The Americans, as in all emergencies, look to the légation. I have consulted with our naval commanders now in the Bosphorus, and such arrangements have been made that our two ships, the Marion and the Despatch, will be able, in case of a disturbance, to receive every American and retire beyond reach of danger, thus relieving our countrymen in a good degree from the distressing anxiety which afflicts the general community.

Among the Turks there is, moreover, a deep sense of shame and indignation. They are naturally a warlike people, and all their traditions are of conquest. Though regarded and treated by the rest of the world as moribund, they do not so consider themselves. Very far from it. Their present humiliation is attributed by them to incompetency or treachery, probably both. The seraskier (minister of war), Ridif Pasha, and the serdar ekrem (generalissimo), Abdul-Kerim Pasha, are in the popular estimation held responsible for all miscarriages, and especially for allowing the enemy to cross the Balkans and to approach within a few hours of the capital. They have both been suspended and held to answer before the council of ministers. Their trial by court-martial and condign punishment are publicly demanded.

The genius of the Ottoman Government at this time is his highness Mahmoud Damad Pasha, brother-in-law of the Sultan, as Damad signifies. His wife is described as naturally a superior woman, and is the favorite sister of the Sultan, with whom her influence is said to be very great. This, at the Sublime Porte, where palace intrigues are carried on largely in the harem, gives him a secure position at court. He has been during the present reign the grand master of artillery, and since the fall of Ridif Pasha, the caimacam or undersecretary of war, really the power behind the throne. He is, I should judge, about forty years

old, evidently of great force of character, and of marvelous industry. His future will largely depend, I imagine, upon the results of the present war. So far, there has certainly been great vigor in the seraskierate. Enlistments have been very rapid, and the recruits have been equipped and sent forward with but little delay.

The transports and railroads are unceasingly active, and yet there is no appearance of hurry or want of preparation. While receiving large consignments of arms and ammunition from abroad—the greater part from the United States—they have established manufactories of their own, capable of furnishing their armies were the foreign supply is cut off.

Those who hold the strength of armies to lie in the military-chest predicted an early collapse for the Turkish cause. The Porte has been practically bankrupt nearly two years. (See my dispatch No. 36, dated November 15, 1875.) She has ceased to pay her debts, and her soldiers and officials as well. I am not sure that this is not a source of strength rather than weakness.

None of these classes expect her to pay, and her resources are left to procure the necessary war material not obtainable on credit. I am assured that all American purchases are paid for before shipment.

From the first I have failed to share the opinion that the war would be brief, and, on the part of the Russians, decisive. I see no reason to change; on the contrary, appearances indicate an inconclusive campaign.

I have, &c.,

HORACE MAYNARD.

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No. 333.

*Mr. Maynard to Mr. Evarts.*

No. 179.]

LEGATION OF THE UNITED STATES,  
*Constantinople, August 24, 1877. (Received September 17.)*

SIR: A curious custom has prevailed time out of mind, it seems, of discharging fire-arms during an eclipse, to deter the monster which, according to the popular belief, had fatal designs upon the heavenly orb. So effective, apparently, have been the means employed, that in every remembered instance the danger has been averted and the luminary, after more or less delay, has reappeared in all its wonted brilliancy. This custom, originating in superstition, had become, like similar displays elsewhere, little more than a piece of juvenile sport, amusing to the young and the thoughtless, but annoying and even dangerous to others.

Late last evening I received from the Sublime Porte a note, of which I inclose a copy and a translation, announcing that the custom has been abolished. It reached me too late to give the notice requested in the concluding paragraph in time for the eclipse of the moon last night, but it may be gratifying to learn that none of our countrymen appear to have incurred the penalty for violating the new regulation. Indeed, the ordinance was so generally observed, that I heard not a single report, whereas heretofore an eclipse was like the 4th of July in one of our ncisiest towns.

I have, &c.,

HORACE MAYNARD.

[Inclosure.—Translation.]

(Verbal Note.)

## POLICE REGULATION.

The ministry of the interior having determined to put an end to the abusive and dangerous custom of shooting fire-arms during eclipses, as has been the practice of the Mussulman and non-Mussulman population on the occasion of an eclipse of the moon, to the great damage of public repose, has decided that any person who shall fire a shot during the eclipse of the moon, which the imperial observatory has announced to take place on the night of the 15th of Chaban (11/23) of August), will be liable to a fine of one Turkish pound. In case that the shot shall be fired from the inside of a house and the owner shall refuse to declare the offender, the fine shall be paid by the master of the house.

The amount of the fines will be placed at the disposition of the emigrant commission, in the same manner as the fines incurred by firing arms during easter-days are delivered to the patriarchates for the benefit of schools and hospitals.

The ministry of foreign affairs has the honor to bring this decision to the knowledge of the legation of the United States, and begs it to kindly inform its citizens of it.

To the LEGATION OF THE UNITED STATES OF AMERICA.

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No. 334.

*Mr. Maynard to Mr. Evarts.*

No. 181.]

LEGATION OF THE UNITED STATES,

*Constantinople, August 31, 1877. (Received September 29.)*

SIR: Another month of the Turco-Russian war has passed, and although there have been no very important engagements, certainly no decisive battles, the situation appears very different.

In Asia the Russians seem to have done absolutely nothing. The Turks report an inconsiderable success near the frontier, Soukoum-Kaleh. Their conquest on the coast of Circassia they have abandoned, bringing away with them the population in numbers variously stated from 50,000 to little more than one-tenth as many, and settling them in Armenia. I inclose a description of this deportation published in the city, and not called in question.

The operations in Europe have been more active and significant. In a previous dispatch, No. 173, dated July 31, 1877, I mentioned the occupation, on the 22d of July, by the Russians, of Eski-Sagra, a considerable town south of the Balkans, and movements thence as far as the railroad near Adrianople. In Eski-Sagra, it seems they organized a provisional government, selecting the officials from the Bulgarian residents, their own troops remaining outside the city. This went on for nine days, when they were attacked by the Turks under Raouf Pasha, but without success. At this juncture another factor was interposed. For several months Suleiman Pasha had been operating in Montenegro with a large and effective army; exactly what were the results beyond the revictualing of Niksitch, I am not prepared to say. It was decided to recall him and throw his forces south of the Balkans in front of the advancing Russians. This movement was executed with so much skill as to deserve mention. At Antivari, on the northern coast of Albania, was collected, under the protection of an iron-clad frigate, a fleet of eighteen transports, all either Turkish or Egyptian, except three or four Austrian. Embarking the whole army, 27,000 in number, with 20 pieces of artillery, 3,000 horses and equipage, in five days they landed

all safely at Enos, a port on the gulf of Saros, connected with Adrianople by railroad. In four days more, nine days from Antivari, they came to the support of Raouf Pasha at Eski-Sagra. Such generalship was an evident surprise to the Russians, who were driven from Eski-Sagra through Kesanlyk into the Shipka Pass of the Balkans, from which the Turks have not as yet been able to dislodge them, though making strenuous efforts to do so. This, it will be observed, occurred at the beginning of the month, and ever since the Shipka Pass has apparently been the key to the campaign, the theory being that unless the Russians can hold it they must withdraw to this side the Balkans. Beyond the Balkans the Turks claim some minor advantages, both under Osman Pasha, in the neighborhood of Plevna, and in the neighborhood of Rasgrad, under Mehemet Ali Pasha. Of Russian successes, if they have any, we have heard little during the last month.

The influence upon popular feeling of the two nearly simultaneous actions at Plevna and Eski-Sagra has been very great. The Turks have acquired self-confidence, and have lost much of their dread of the Russians. The excitement which a few weeks ago prevailed in the city has subsided, and quiet and good order have been re-established. I notice, too, as the success of the Turks increases, the zeal of some of their professed friends abates manifestly. Should they finally prevail unaided, such persons would probably see "their interests" imperiled quite as much as if the Turks had been defeated by the Russians.

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Russia evidently committed the grave mistake of undervaluing the resources of Turkey, and especially her capacity for defense. The present campaign was planned, no doubt, upon those of 1828 and 1829, which proved so disastrous to Turkey. But the relative condition of the two powers has very much changed in the last fifty years. Russia has acquired railroad facilities for the movement of her troops and supplies. She has also improved her military system and the character of her arms. But she has not the command of the Black Sea, a very serious matter in the conduct of a campaign at the two extremities of such a body of water. She then had two very able commanders, Field-Marshal Paskewitch and Field-Marshal Diebitsch. Of her present military leaders I know too little to speak.

Turkey, on the other hand, has gained strength in many ways. She, too, has built railroads, but they all stop short of her northern frontiers; of great service to her, but none to an invading enemy. She has also improved her military system; indeed created it anew. In 1828 the Janizaries had just been destroyed, and their place had not been taken by other troops. Since that time the Turks have been gradually conforming themselves to the requirements of modern warfare.

During the Crimean war they looked on while the great powers of Europe fought. They established a military school, employed foreign instructors, and sent their young men abroad. With great pains they procured the most effective of improved weapons, and their soldiers are confessedly better armed than their adversaries. The men themselves are the admiration of all who see them; of large stature, well formed, and strong, sober in their habits, self-contained, and amenable to discipline, and at the same time full of spirit and capable of being excited to frenzy by fanatic appeals. In 1828 Turkey had not restored her navy, all but annihilated at the battle of Navarino. Now her ships not only command the Black Sea and its approaches, but the Mediterranean as

well, so that no Russian vessel has been seen inside the Straits of Gibraltar since the war began. Besides, she has a large fleet of transports, very serviceable and constantly in use. Then her military leaders were unskillful and inefficient. At this moment she has four of admitted superiority: Ahmed Moukhtar Pasha, in Asia; in Europe, Mehemet Ali Pasha, who has succeeded Abdul Kerim Pasha in the chief command, though not, I believe, with the title of serdar ekrem (generalissimo); Osman Pasha, and Suleiman Pasha. I inclose some correspondence recently published here which gives a sketch of Ahmed Moukhtar Pasha; also describes the ravages inflicted upon the Armenian Christian population by the Turks and their allies, though the writer is manifestly not in sympathy with the Russians. Mehemet Ali Pasha is an adopted German with an adopted name. A sketch of his early life appeared a few days ago, which is inclosed. The accuracy of the sketch has been questioned by those who ascribe to this officer a much humbler origin. Osman Pasha and Suleiman Pasha are both, I believe, Turks.

I have, &c.,

HORACE MAYNARD.

[Inclosure 1 in No. 181.]

[Article from the Daily Levant Herald of August 28, 1877.]

MIGRATION FROM THE CAUCASUS.

[From an occasional correspondent.]

TREBIZOND, August 16.

We are very glad to see the Levant Herald once more after its late suspension. The familiar English tongue reminds us so much of home that out here your journal always receives a warm welcome.

The late movements at Soukoum-Kaleh are changing very materially the face of the country, the inhabitants of those parts being removed to other regions. The Turkish Government doubtless has the interest of the poor people at heart in the course it is pursuing, since after the recent occupation of Soukoum-Kaleh it is thought dangerous or the inhabitants to fall into the hands of the Russians again, as some of them have been in rebellion. Hence their removal to Turkish territory, thus securing their safety and adding a population to the Ottoman Empire. Whether the agents in charge of this transfer act entirely in accordance with the wishes of the Porte may be questioned. We cannot think the government would coerce the poor creatures into a change of country, and yet, from statements of some of the emigrants themselves, such seems to have been the case in not a few instances. Some were desirous to leave, others were not, but nevertheless were drawn on with the rest, no time being given for deliberation. The steamers in waiting were in a hurry to leave, and therefore the most summary means were used to hasten the people on board, one member of a family being thrust in here and another there in great confusion, much of their paltry effects being left behind and given to the flames. Some of them brought their cattle with them, while others had to leave everything. They had the appearance of having been in a most destitute condition in their own country, and such is the report of those who have been in the Caucasus. After a two days' voyage at sea they come on shore here in a most filthy and forlorn condition.

Their own government can hardly have done its duty by them or they would not be in such a plight when they land in this city.

It is said 50,000 of them are to be settled in this province alone. Certain it is that several thousand are already here, their dirty forms, in filthy, tattered rags, moving about the streets in great numbers. The government has lodged them all in the vacant quarters of the town. There is a fear that Trebizond will be overrun with them, and the price of the necessaries of life increased. They are said to be very ignorant, hardly any of them possessing the most elementary rudiments of education. They seem also to have very little religious belief. If they happen to be met by a Mohammedan they affect Mohammedanism; if by a Christian, they make the sign of the cross.

What the government will gain from this influx of poor, destitute strangers it is difficult to say. There is danger that from their total neglect of anything like the laws of health or common decency, much sickness will accompany them wherever they go; and possibly when government rations are cut off they will, for want of employment, betake themselves to robbery as a means of gaining a livelihood.

[Inclosure 2 in No. 181.]

[Extract from the Daily Levant Herald, August 10, 1877.]

## SEAT OF WAR IN ASIA.

[From our own correspondent.]

ERZEROUH, July 26.

I send you, under separate cover, a few geographical and statistical details on this country, which has certainly never been explored, except by a very small number of learned men and travelers. It must, however, have been the object of deep study on the part of the Russian staff. If their plan of conquest has failed, it is certainly owing to their having taken the Turkish soldiers for Kirghises, and their generals for gang chiefs. It is thus that the so-called strategical boldness of General Loris Melikoff, extolled by all the European newspapers, has been foiled by the more serious, though less resounding, talent of Moukhtar Pasha. It is not the first time the course of events has placed me by the side of this general, so much scoffed at in the beginning of the campaign, but whose strategy is now sincerely and universally praised. Last year I followed his campaign in Herzegovina, where, thanks to his energy and *sang froid*, he succeeded with a few battalions in arresting the army of Prince Nikita, after the Verbitza reverse, and the closure of the port of Klek, and setting at naught all the efforts of the Montenegrins to profit by their victory. Moukhtar is not more than forty years old, and is one of the youngest *muchirs* in the army. He also belongs to the new school by his energy and instruction.

Your correspondent was much surprised to see that the commander of the army in Asia has given orders that all the strategical publications to which he subscribes should be sent to him, even on the battle-field. I had already noticed this peculiarity at Trebigné. This, however, does not prevent his exposing himself personally every time he has occasion to do so. At the battle of Deli-Baba, which he won on the 21st of June, he fought like a common soldier. This battle lasted sixteen hours, began again the next morning, and continued for another seventeen hours. The Turkish army was in raptures at the conduct of its chief, and the Russians, completely beaten, were at night-fall driven away from their intrenchments and obliged to begin the famous "retraite motivée," which still continues and threatens to prolong itself to Tiflis.

I have no military events to record this week. The Russian center is always on both sides of the frontier, with Moukhtar's army at its heels. This army is now composed of 60,000 experienced men, ready to meet the enemy, and full of confidence in their leader. It is divided into two corps, one of which is commanded by Moukhtar himself, and the other by the brave commander of Kars, Hussein Hami Pasha. There are, moreover, a certain number of battalions within the walls of Kars. Whatever be the motive attributed to the Russian rout, and although the early arrival of 50,000 Russians on the frontier from Alexandropol, is announced, it can safely be foretold that it will be difficult for the Russians to take again the offensive with any chance of success before next year. The summer is well-nigh over under the inclement skies of Armenia. In a few weeks, a few days, perhaps, furs will be needed, and the roads and fields will be covered with snow. How will the Russians ever be able with their heavy war-stock to cross again the Soghanli-Dagh and the terrible passes leading into the country? In winter, the Ottomans will find in the elements much more serious allies than the Kurds, of whose exploits I shall presently tell you.

The events at Bayazid continue to occupy public attention. On that side of the frontier Ismail Hakki Pasha has under his orders about fifty thousand men, since Colonel Hussein Avni's brigade has joined his army. This army, among which are 25,000 Kurds (19,000 infantry and 6,000 horsemen), is placed on the left of Bayazid, watching and threatening the Erivan road by which the Russians expect numerous re-enforcements. A Kurd spy of the Yezidi tribe, who returned from the Russian camp on the 15th of July, informed Ismail Hakki that the Russians had received orders to remain on the frontier and not to take the offensive until their number had been increased to 40,000. This regards, of course, their left wing. Let me tell you *en passant* that the Kurds of the Yezidi tribe believe in Satan, and never suffer anybody to spit in their presence.

We have now had at Erzeroum a detailed account of all that took place at Bayazid since the hostilities first began. The declaration of war was no sooner issued than an army composed of ten battalions of infantry, eight thousand Cossacks, and thirty-two cannons, crossed the frontier on the 17th of April and marched toward the plain of Bayazid. In this town there were two Turkish battalions, four hundred horsemen, and four cannons. The Russians camped in the plain and sent a flag of truce to the Turks informing them that they were to give up the place, and that they would be free to go where they liked.

The little garrison at once took advantage of the offer, packed up its goods, and



retired to Van. The Russians then occupied the town. The commander of the Russian forces, General Der Honcassoff, perceiving that the inhabitants had closed their shops and remained shut up in their houses, sent for two notables, a Turk and an Armenian, and informed them that he had come as a friend of the population; that his only enemy was the Turkish Government, and that the inhabitants might therefore resume their business without fear of being molested by anybody. General Der Honcassoff ordered, at the same time, a sentry to be placed in every quarter, and the inhabitants, quieted and reassured, reopened their shops the same day. A few days after this, General Der Honcassoff, leaving at Bayazid one battalion of infantry, 1,500 Cossacks, and two cannons, started for Diadin, which he took without meeting any resistance whatever.

It was in the interval of this movement beyond Bayazid that some Kurd tribes, the Hassanali, the Sibichli, &c., about three thousand rifles in all, with Sophi-Agha at their head, penetrated into the district of Alaschkrd, and sacked all its ninety villages, inhabited by about 3,000 Armenian families. The district of Alaschkrd is composed of the *casas* of Diadin, Antap, Karakilissé, and the locality of Nahié. All the villages of these *casas* have been pillaged by these ferocious banditti. Toprak-Kaleh and Hastour are the only places which have escaped destruction. Thanks to the Turks at Toprak-Kaleh, it was the son of Mehmet Pasha Surmeli who protected the Christians and succeeded in preventing pillage; at Hastour it was a *touroun* (priest) *hassanali*, for whom the Kurds profess a certain veneration.

We will now return to Bayazid with its garrison of 1,500 Cossacks and one battalion of infantry. One thousand Cossacks and 500 men (infantry) soon left the town and marched toward Van, then fell back on Abagha. Faik Pasha, with seven battalions of regular troops, one field battery, and 25,000 Kurds, attacked them at Abagha, when the rest of the Bayazid garrison came to the rescue. Faik defeated and pursued them to Bayazid. One hundred and twenty-four infantrymen were taken prisoners by the Turks and sent under escort to Van. Three hundred Russian horsemen surrendered, but the Kurds fell upon and killed them. The rest of the Cossacks gained the frontier (19th June, 1877). The colonel who commanded the Russians was wounded during the action. He was taken back to the fortress, where he soon died of his wounds. The Cossacks assembled and named commander, or commandress, the wife of their chief, who accompanied her husband and fought along with them. I have told you in my preceding letters what has since taken place at Bayazid.

A few lines more about Kars. During the siege, the wounded and sick amounted to 1,034. The hospitals of this stronghold are now being emptied; the sick are sent to Erzeroum. The day before yesterday we had an arrival of 337 sick, and yesterday another of 189. It is said that before the raising of the siege, the Grand Duke Michael sent a message to the commander of Kars saying that he would lose his head sooner than not take Kars. It is now Moukhtar who is going to lay siege to Alexandropol. It appears that the Russian fortresses on the frontier are in a very neglected state. It is only quite lately that, according to official information, they have been placed in condition to resist a siege.

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[Inclosure 3 in No. 181]

[Extract from the Daily Levant Herald of August 26, 1877.]

#### MEHEMET ALI PASHA AT SCHOOL IN GERMANY.

The German papers publish what they describe as genuine school reports of Carl Detroit, of Magdeburg, now Mehemet Ali Pasha, commander-in-chief of the Turkish army of the Danube. That of Michaelmas, 1838, says: Behavior not faultless; industry might be better; progress, a little; Latin, pretty good; German, pretty good; history, pretty good; geography and French, middling; arithmetic, poor; writing, satisfactory; drawing, middling; singing, poor.

The report of the next term says: Attention, much better; industry also better, with exceptions; behavior, good.

His last report Easter, 1842, says: He lacked steadiness; Latin, read Cæsar and Ovid very well; Greek, satisfactory; German, good; French, good; mathematics, satisfactory. A note says: Very prompt in the independent working of problems; natural history, middling; history and geography, good. He was fourteen years old when he left school, and will therefore this year reach his fiftieth year.

No 335.

*Mr. Maynard to Mr. Evarts.*

No. 185.]

LEGATION OF THE UNITED STATES,  
*Constantinople, October 1, 1877. (Received October 23.)*

SIR: During the month just closed the Turco-Russian war, judging from the position of the respective armies, has made but little progress. Terrible fighting is reported, but nothing decisive.

From Asia we have heard little of military movements. The operations seem to have been confined to the frontier, and on the Russian rather than the Turkish side of it. As far as can be judged at present, the Russian campaign in that quarter has been a total failure.

In Europe there has been ceaseless activity on both sides. The Turks have made tremendous efforts to gain the Shipka Pass, of which I made mention in my dispatch No. 181, dated August 31, 1877; but their enemy still holds it. The bulletins report frightful losses on both sides; on that of the Turks nearly half of the veterans who had fought in Montenegro. The Russians have taken and still hold Loftcha (Lovatz), no doubt an important advantage; and have attempted to retake Flevna, still more important could they have succeeded. The defense has been brilliant and to this time successful, shedding great luster on the Turkish arms and on Osman Pasha, the general in command. On the Russian right, Mehemet Ali Pasha and the Egyptian contingent claim advantages more or less considerable.

The Russians are reported to have been driven from the Lom, a stream which enters the Danube at Rustchuk, and to have retired behind the Yantra, a parallel stream falling into the Danube a few miles farther up, and as a military line for them much stronger than the Lom, no doubt, so long as the Turks hold Rustchuk, Rasgrad, and Shumla. The fall rains have set in, and the season is too far advanced to admit of new enterprises. Should the campaign close now, it will leave a powerful Russian army resting on the Danube and stretching southward to an important pass of the Balkan Mountains, certainly not an inconsiderable achievement.

Judging by another standard, however, the campaign has been decidedly favorable to the Turks. On the one hand, the high Russian military prestige has been lost, and on the other the Turks have gained in this respect, and much more even than their enemy has lost. The effect of this campaign upon the two armies will be to bring them into the field next year under very different conditions, the Russians having a far higher respect for their enemy and the Turks much less for theirs. In fine, Turkey becomes from this time until the end of the war a first-class military power, a fact equally understood by her armies in the field and by her statesmen in the cabinet.

When Russia undertook to execute the judgment of Europe as declared in the conference, the other powers believed—some, indeed, feared—she would easily and effectually accomplish her self-imposed task. Now that she has encountered unexpected difficulties, and has met with a resistance which no one of them anticipated, it will be seen whether they leave her to end the struggle as best she may, or rally to her support, or in the interests of civilization and humanity interfere at a juncture when peace would be tantamount to her defeat.

The Turks continue to be supplied with war-material from abroad. Within the last few days a large English steamer has arrived from America loaded with ordnance stores. Several similar cargoes have been

received since the war began, and not a single one has been interrupted. Considering the length of the voyage, and that it is continuous from Long Island Sound to the Golden Horn, we have a significant instance of the inefficiency of the Russian cruisers. In this connection I may observe the superiority of the ammunition used by the Turkish soldiers over that of the Russians has been remarked upon as one of the causes to which their success may be attributed.

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This dispatch may properly close with a reference to Montenegro. After the withdrawal of Suleiman Pasha the mountaineers seem to have had everything their own way. They besieged and took the much-disputed fort of Niksitch; which, for the present at least, they are likely to retain. The garrison which surrendered, expecting the worst, were greatly surprised, it is said, at being allowed to keep their side-arms and to go their way.

I am, &c.,

HORACE MAYNARD.

## CORRESPONDENCE BETWEEN THE DEPARTMENT OF STATE AND THE TURKISH LEGATION.

No. 336.

*Aristarchi Bey to Mr. Fish.*

[Translation.]

IMPERIAL OTTOMAN LEGATION,  
*Washington, December 22, 1876. (Received December 23.)*

Mr. SECRETARY OF STATE: The Sublime Porte has informed His Excellency the President of the Swiss Confederation, that it has decided to adopt the red crescent instead of the red cross for the Ottoman ambulances whose use it has authorized. This step has been taken principally on account of the religious convictions of our army, which is composed exclusively of Mussulmans. So far, therefore, from affecting any of the principles of the convention, which has been scrupulously carried out by us, it is calculated to cause that instrument to be more generally respected.

Under these circumstances, the Sublime Porte hopes that the red crescent on a white ground will be received and respected as a symbol of neutrality, the same as the red cross.

The imperial government will always be happy to do all in its power to extend the blessings of this humane institution, and the red crescent being accepted as the equivalent of the red cross, will never be used in the armies of His Imperial Majesty the Sultan except for the ambulance service and the aid of the wounded.

Be pleased to accept, &c.,

G. D'ARISTARCHI.

No. 337.

*Aristarchi Bey to Mr. Fish.*

[Translation.]

IMPERIAL OTTOMAN LEGATION,  
*Washington, February 19, 1877.* (Received February 20.)

Mr. SECRETARY OF STATE: Referring to the note which I had the honor to address to you on the 19th of March, 1874, and to your kind reply of the 28th of July following, in relation to the conclusions reached by the international tonnage commission which met at Constantinople in 1873, I take the liberty to inform you that the Government of Her Britannic Majesty has addressed the Sublime Porte for the purpose of asking its adhesion to a provisional convention concluded February 21, 1876, between Mr. Ferdinand de Lesseps, president and representative of the Suez Canal Company, and Colonel Stokes. The object of this convention is to introduce certain modifications in the decision formed on the presentation of the report of the international tonnage commission, dated December 18, 1873.

I have the honor herewith to transmit you a copy of the aforesaid convention, and I hasten to declare to you, in the name of my government, that we can attach no importance to the withdrawal which Mr. de Lesseps proposes in this instrument to make of his protests against the Sublime Porte, which have never been taken into consideration, as being destitute of any legal value.

This declaration being made, the imperial government recognizes, in fact, that the system proposed by Messrs. de Lesseps and Stokes, of first lowering and afterward discontinuing the additional (discriminating?) toll permitted to be levied in 1873, at the periods fixed by them, offers advantages to the vessels of all countries, inasmuch as it will be known beforehand at what precise time the reductions will take place, and at what time the additional (discriminating?) toll will be entirely discontinued.

This system recommends itself still further if, as the company declares, it will enable it to construct works which are acknowledged to be necessary for the improvement of the navigation of the canal.

Thus, while considering as purposeless the announcements of the company touching the withdrawal of its protests against the imperial government, which, I repeat, it has never recognized as possessing any legal value, the Sublime Porte is ready to sanction the modifications proposed by Messrs. de Lesseps and Stokes, the other maritime powers of Europe having manifested a disposition to adhere thereto. The imperial government, moreover, would be happy to see them favorably received by the Government of the United States, and brought by it to the notice of all who may be interested in the matter.

Be pleased to accept, &c.,

G. D'ARISTARCHI.

[Inclosure.]

Convention between Mr. Ferdinand de Lesseps, president director of the Universal Company of the Suez Maritime Canal, having received full powers from the board of directors on the one hand, and Colonel John Stokes, C. B., authorized by the Government of Her Britannic Majesty.

It has been agreed as follows:

ARTICLE 1. Mr. de Lesseps engages to cause the acceptance in advance by the said

company of all that has been done at Constantinople in relation to the question of tonnage for the tariff of transit through the said Suez Canal, according to the final report of the international commission, dated December 13, 1873, and adopted by the Ottoman Porte.

ART. 2. In exchange for this declaration, the British Government will take charge of the negotiations which shall result in substituting for the present provision in regard to the reduction of the additional (discriminating?) toll, an arrangement by which the first reduction of 50 centimes shall begin January 1, 1877; the second reduction of 50 centimes, January 1, 1879; the third, January 1, 1881; the fourth, January 1, 1882; the fifth, January 1, 1883; and the sixth, January 1, 1884; so that on and after this latter date the additional (discriminating?) toll shall be discontinued, and the maximum of 10 francs per ton on the net official tonnage shall be the only one levied.

ART. 3. Mr. de Lesseps engages that the company shall execute the extraordinary works of construction, besides the ordinary works necessary to keep the canal in proper order, for the sum of one million of francs per annum, for thirty years.

ART. 4. As soon as the British Government shall have made known to Mr. de Lesseps the favorable result of the negotiation referred to in article 2, Mr. de Lesseps will withdraw all his protests against the Ottoman Porte.

Done at Cairo, in duplicate original, February 21, 1876.

FERD. DE LESSEPS.  
J. STOKES.

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No. 338.

*Mr. Evarts to Aristarchi Bey.*

DEPARTMENT OF STATE,  
*Washington, March 23, 1877.*

SIR: Referring to your note of 19th February ultimo, with inclosed copy of a provisional convention concluded on the 21st February, 1876, between Mr. Ferdinand de Lesseps, president and representative of the Suez Canal Company, and Col. John Stokes, which convention proposes to introduce certain modifications in the former decision of the international tonnage commission in regard to tolls on the Suez Canal, I have the honor to inform you that the matter presented in your note has received that consideration which its importance demanded, and this government accedes to the request of the Sublime Porte to favorably receive the proposed modification.

Accept, sir, &c.,

WM. M. EVARTS.

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No. 339.

*Aristarchi Bey to Mr. Evarts.*

[Translation.]

IMPERIAL OTTOMAN LEGATION,  
*Washington, March 23, 1877. (Received March 24.)*

MR. SECRETARY OF STATE: I have received the note which the Hon. Mr. Fish was pleased to address to me on the first instant in acknowledgment of the receipt of mine of the 19th of February last in relation to the convention concluded by M. Ferdinand de Lesseps and Colonel Stokes.

Being desirous to inform the Sublime Porte of the result of the step taken by me, which result, I trust, will be a favorable one, I should be grateful to you if you would be pleased to communicate to me, if you

can do so without putting yourself to any inconvenience, the decision which may have been reached on this subject by the Government of the United States.

Be pleased to accept, &c.,

G. D'ARISTARCHI.

No. 340.

*Aristarchi Bey to Mr. Evarts.*

[Translation.]

IMPERIAL OTTOMAN LEGATION,  
*Washington, April 30, 1877. (Received May 1.)*

MR. SECRETARY OF STATE: By order of my government, I have the honor officially to inform the Washington cabinet that on the 24th instant Russia declared war against the Ottoman Empire, and commenced hostilities in Europe and Asia.

A state of war thus existing between the two countries, the Sublime Porte is convinced, Mr. Secretary of State, that the Government of the United States will, as a neutral state, be pleased to guarantee (*assurer*) to us the same treatment that it granted to the belligerents in 1870-'71. This conviction is based on the high impartiality of the United States, on the friendly relations which have long existed between our respective countries, and on the principles which have been upheld and practiced by the Washington cabinet on solemn occasions.

Be pleased to accept, Mr. Secretary of State, the reiterated assurances of my very high consideration.

G. D'ARISTARCHI.

No. 341.

*Mr. Evarts to Aristarchi Bey.*

DEPARTMENT OF STATE,  
*Washington, May 3, 1877.*

SIR: I have the honor to acknowledge the receipt of your note of the 30th of April, in which you communicate to me officially the information that "Russia has declared war against the Ottoman Empire, and commenced hostilities in Europe and Asia." You state also that, in view of these events, the Sublime Porte is convinced that the Government of the United States will, as a neutral state, be pleased to guarantee the same treatment that it granted to the belligerents in the last great European war of 1870-'71.

I am directed by the President to say in reply that the expectation of the Sublime Porte that a just and impartial neutrality will be observed by the United States is well founded. The Government of the United States will now, as heretofore, be found earnest, not only in maintaining an attitude of neutrality in European contests, but in faithfully observing all treaty obligations with either of the belligerent powers, and also in preventing the infraction, by any persons in this country, of the laws of the United States or the laws of nations.

While thus adhering with fidelity to a line of action which is in accord both with legal obligations and with the public sentiment of the American people, the Government of the United States anticipates with confidence that the Sublime Porte will, on its part, take due care that the rights of the United States as a neutral power shall be fully and scrupulously respected, and that citizens of the United States, wherever pursuing their peaceable and lawful avocations, shall in no wise be unjustly interfered with or molested.

Accept, sir, &c.,

WM. M. EVARTS.

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No. 342.

*Aristarchi Bey to Mr. Evarts.*

[Translation.]

IMPERIAL OTTOMAN LEGATION,  
*Washington, May 30, 1877. (Received June 1.)*

Mr. SECRETARY OF STATE: The Government of the United Principalities of Moldavia and Wallachia on the 16th of April last, disregarding its obligations to the suzerain court, concluded a convention with Russia, the object of which was to prepare the way for the occupation of the Moldavo-Wallachian territory by the enemy, which occupation took place on the 24th of the same month.

In consequence of this act, committed in violation of our rights, the Sublime Porte notified the agency of the Prince at Constantinople, under date of May 3, that its functions were thenceforth suspended.

Nevertheless, Moldavo-Wallachians residing in or passing through the empire will continue to enjoy, as in the past, the protection of the Ottoman laws and authorities the same as the faithful subjects of His Imperial Majesty the Sultan.

Moldavo-Wallachian vessels will also remain under the protection of the imperial authorities and of the Ottoman consuls in foreign countries.

Be pleased to accept, Mr. Secretary of State, the assurances of my very high consideration.

G. D'ARISTARCHI.

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EGYPT.

No. 343.

*Mr. Farman to Mr. Fish.*

No. 45.]

AGENCY AND CONSULATE-GENERAL  
OF THE UNITED STATES IN EGYPT,  
*Cairo, August 10, 1876.*

SIR: I have the honor to transmit herewith a copy of a dispatch from Chérif Pasha, secretary of foreign affairs, dated August 3, 1876, and its translation. The subject of this dispatch is a project for the increase of the number of judges in the new tribunals of Egypt. The facts rendering this increase necessary are set forth in detail. It seems to be impossible for the present number of judges to do the work that is re-

quired, and it is proposed to promote the European substitutes of the parquet to judges. There are five of these European substitutes, being one from each of the following countries, namely: England, France, Germany, Austria-Hungary, and Italy.

No substitute having been as yet named by the United States, it is proposed, if this project is accepted, to give such substitute as shall be regularly nominated by our government and accepted by the government of the Khédive, at once, on such acceptance, the position of judge in the court *Première Instance* (Court of First Instance), the same as the other substitutes already chosen.

The ratio between the foreign and native judges is not to be changed; but the Khédive is to be at liberty to appoint such person as he may choose and think necessary to the parquet, without consulting the foreign powers.

Whether the American substitute, when promoted to judge, would be assigned to Ismaïlia, Cairo, or Alexandria, is left to be hereafter determined.

After an examination of the facts I approve of the project, and recommend its acceptance by the Government of the United States and the nomination of a suitable person for substitute.

It is desired that an immediate answer be given to this proposition, so that in case it is accepted the new tribunals may, at the end of their vacation on the 15th of October, recommence their work with the proposed increased number of judges.

The position of the appointee, when accepted by the Khédive, would be the same as that now held by Judge Bacheller.

Russia is in the same condition as regards the new tribunals as America, not having yet proposed a substitute; and the same proposition is made to that government in relation to the appointment of a substitute as is made to the Government of the United States.

If both Russia and the United States propose substitutes, it will give to the Egyptian courts seven additional foreign judges and a proportionate number of native.

I have, &c.,

E. E. FARMAN,  
*United States Agent and Consul-General.*

[Inclosure.—Translation.]

MINISTRY OF FOREIGN AFFAIRS,  
*Cairo, August 3, 1876.*

MR. AGENT AND CONSUL-GENERAL: Thanks to the firm and enlightened support which the Government of the United States of America has given to judiciary reform, the new tribunals were definitively established and began their functions on the 1st February. Their inception, Mr. Agent and Consul-General, has been of a nature to show in the most evident manner the importance of these new tribunals, and to permit us to foresee the development they are destined to attain.

It suffices, to reach this conviction, to consult the statistics of the causes brought before the tribunal at Alexandria, during the first five months of the term, and which now number 2,600, of which 1,026 have been decided.

Also, Mr. Agent and Consul-General, the vice-president of the court of appeals, in a very detailed report, addressed, at the end of April, to the ministry of justice, did not hesitate to declare that the number of eight, five, and four European judges at the tribunals of Alexandria, Cairo, and Ismaïlia would certainly be insufficient, notwithstanding all the devotion displayed by each one of these magistrates in the exercise of his functions. This statement is all the more easily understood, when we consider that it is not only the great number of causes to be decided, but also the variety of the attributes and of the proceedings of the new tribunals. They are, in fact, at the same



time, tribunals of summary justice, civil tribunals, "tribunals of infractions" (o police regulations pertaining to the courts), and even "correctional tribunals," and "of penal instruction" in cases of crimes and misdemeanors, although their competency is restricted as regards this latter attribute. Evidently these numerous attributes complicate and burden the operations of the tribunals as much as the administration of the clerks.

It has already been found necessary to double the number of clerks, sheriffs, and interpreters in order to meet the exigencies of the service.

As regards the *personnel* of the magistracy, the vice-president of the court of appeals calls attention in his report to the fact that the tribunal at Alexandria is composed of two chambers, which require three European judges in the formation of each one of them, and which cannot meet the needs of the situation without having three sittings each week, which necessitate long deliberations and the drawing up of numerous decrees, thereby absorbing all the time and all the energies of these magistrates. He adds that the judge in charge of whom at first was placed the department of summary justice found himself, notwithstanding his experience and qualifications, incapable of sustaining alone the burden of the numerous causes allotted to each sitting, and it was quite necessary to detail another magistrate to assist him. In this manner it will be seen that the needs of the two chambers and of the department of summary justice of the tribunal at Alexandria require already more labor than the European judges can perform.

And still this tribunal must furnish "judges of service" (judges for chamber orders), "of reference" (for special term business), in urgent matters, cases of bankruptcy, and of "*contraventions*" (violations of police regulations in the administration of the tribunal), and, should the occasion offer, of crimes and misdemeanors (meaning crimes and misdemeanors connected with the administration of the courts). Besides; this tribunal must furnish the necessary persons for the formation of the two special chambers, whose duty it is to judge the pending claims.

As to the court of appeals, every one is aware that its share in the common work is very large, and that, while meting out justice, it is also charged with the general direction of the whole, the supervision, the discipline, &c.

As regards the tribunals of Cairo and Ismaïlia, they are relatively in the same situation as that of Alexandria.

In the tribunals of Cairo, which are composed of only five European judges, the amount of business is so great that the number of causes amounts to more than two-thirds as many as those pending in the tribunal of Alexandria, and rendered necessary, even from the beginning, the creation of a second chamber.

The tribunal at Ismaïlia is composed of only four European judges.

The delegation to Port Said, at stated periods, of one of the judges of this tribunal, deprives it, besides, of the services of one of its members.

The insufficiency of numbers makes itself felt throughout the *personnel* of the magistracy. Although the code of procedure stipulates that it would be inconsistent to clothe a single judge with several judicial functions, yet, on the other hand, the present state of said *personnel* but ill allows of the application of article 4 of the regulations of organization, which state that, in cases of absence or of hindrance, provision can be made for the vacancy by the delegation of judges from one tribunal to another.

How is this insufficiency to be remedied in the interest of the good administration of justice? That is a serious question, which has occupied the serious attention of the government of the Khédive from the day on which this insufficiency made itself apparent, and was further demonstrated by the court of appeals, which is the medium of interpretation of the convictions of the entire magistracy, and supported by said article 4 of the regulations of judicial organization, which stipulates that the number of judges of appeal or of first instance may be increased, if the court makes known the necessity of such a measure, for the needs of the service, without modifying the ratio at present existing between the number of native and European judges.

After having maturely considered the situation, and after having obtained positive information from the most reliable sources, the government of the Khédive has thought, Mr. Agent and Consul-General, that the easiest and at the same time the most speedy remedy would be to seek among the persons now performing duty at the new tribunals, outside of the judges properly speaking, the elements requisite for the attainment of the object which is now so important.

In this order of ideas, his attention has been particularly drawn by the court to the *personnel* of the *parquet* (procurator-general and five substitutes).

The European substitutes are already familiar with the working of the tribunals and with the affairs of the country; that is a most important advantage. They have, moreover, had experience, and this experience and the information they have acquired, united, qualifies them for apt and capable judges.

Besides, the attributes (duties) of the *parquet* are naturally prescribed within the limits laid down by the reform, and within those limits the "*ministère public*" has not to the present time been permitted to intervene in civil matters, except in questions

of the *statut personnel* (nationality and identity of the person), questions delicate and of frequent occurrence, and which, moreover, open the widest field for its action. Nor in penal matters could it use its influence, except in special cases.

From this it would seem that a smaller number of substitutes could, at least in the actual state of affairs, meet the requirements of the situation and the aim of article 27 of the regulations of organization, which provides for a number of substitutes sufficient for the service of the sittings and of the police administration.

In this connection the court observes that, in the few months just elapsed, the functions of the "ministère public" have ordinarily been vested by the attorney-general in the native substitutes, as well, before the tribunal of appeals, up to the recent arrival of Mr. Vacher, as before the civil and commercial tribunals of Cairo; while the European substitutes have been more especially intrusted with the administration of summary proceedings.

The court is also pleased to believe as entirely justified the confidence which Mr. Vacher has reposed in these native substitutes, who needed to be initiated, as soon as possible, into the manner of transacting the business, and in whose intelligent and devoted services the parquet found a most reliable element for the attainment of the object in view. It is known, moreover, that the nomination of the present number of substitutes was less the result of the actual exigencies of the service than the application of a measure adapted to meet any emergency that might arise, and as a mark of deference to the great powers toward which the Khédive wished to observe a principle of strict equality and identical guarantees. In this latter conviction, if it is admitted that the co-operation of the body of substitutes, officials who are liable to removal, is an additional guarantee of the rigid observance of good law, it would evidently seem that, as judges clothed with the character of unremovability, they would strengthen all the more that guarantee, and add to the satisfaction of the powers concerned.

Such are the considerations, Mr. Agent and Consul-General, which have caused the government, inspired by the court of appeals, to seek in the parquet itself those auxiliaries which have been indispensable to the tribunals.

I am, therefore, authorized by the Khédive to make the proposition that the substitutes named, on presentation by the governments concerned, shall be attached, as judges, to the tribunals of first instance, in which tribunals they have, up to the present time, been employed.

The Government of the United States of America, Mr. Agent and Consul-General, has not yet presented the name of any one for nomination as substitute by the Egyptian Government.

The Khédive is perfectly willing to consider any step taken in this connection by the Government of the United States of America, and to apply to the American substitute, who shall be regularly nominated, the proposition relative to the other substitutes.

In transmitting this proposition to you, Mr. Agent and Consul-General, I am confident that, having a full knowledge of the state of affairs, and of the importance of the considerations to which the Government of the Khédive must submit, in the interest of justice, you will not hesitate to recommend it to the Government of the United States of America for its consideration. If it is accepted, as the Government of the Khédive hopes it will be, the American substitute who shall have been regularly presented and nominated will be, from the date of said acceptance, promoted to the functions of a judge, under the same conditions as the judges of first instance.

Moreover, from the day of said acceptance, the Government of the Khédive will be able to exercise freely the right mentioned in article 4 of the regulations of judicial organization looking to the continuance of the fixed proportion between the native and foreign judges; and it will retain the full faculty of providing for everything which concerns the *personnel* of the parquet without having to consult the foreign governments, which, under the circumstances, will find themselves entirely disinterested from the fact of the promotion of the substitutes to judges.

I am allowed also to add, Mr. Agent and Consul-General, that the court is heartily desirous that a decision may be arrived at on this subject before the 15th of October next, in order that, from that date, the tribunals may be enabled to continue their operations with a full *personnel*, and for that reason be better able to fulfill their mission, so important and so difficult.

I shall, in consequence, be much indebted to you if you would communicate to me the answer of the Government of the United States of America as soon as it shall have reached you, and I take this occasion, Mr. Agent and Consul-General, of renewing to you the expression of my high esteem.

CHÉRIF.

No. 344.

*Mr. Farman to Mr. Fish.*

No. 77.]

AGENCY AND CONSULATE-GENERAL  
OF THE UNITED STATES IN EGYPT,  
Cairo, November 27, 1876. (Received December 26.)

SIR: I have the honor to transmit herewith a copy of a dispatch received from his excellency Chérif Pasha, dated November 5, 1876, and its translation.

This dispatch relates to the proposition of the government of His Highness the Khédive heretofore communicated to you, to increase the number of judges in the new tribunals of Egypt.

His excellency calls my attention to the fact of the necessity of this increase becoming more and more urgent, and expresses a hope that the Government of the United States will sanction the project, and that an answer will be given as soon as possible.

I am informed that Italy, France, and Austria-Hungary have already given formal written answers accepting the proposed plan for increasing the number of judges, and that other powers have verbally, through their consuls, given similar answers.

Italy and Austria-Hungary gave their assent to the entire plan. France desired the privilege of nominating a substitute in the place of the one to be promoted to judge, but did not, as I am informed, make this nomination a condition of acceptance.

By a decree of His Highness the Khédive, of the 25th instant, Mr. Karizinis Antoine, the Austro-Hungarian substitute, was promoted to judge of the tribunal of première instance of Cairo, and Barnardi Pierre, Italian substitute, to judge of the tribunal of première instance of Ismaïlia.

It would seem from this decree that the Khédive had already commenced to put in operation his proposed plan. I have heard no objection made to it from any source, and the imperative necessity of increasing the number of judges is universally admitted.

There is no institution that promises to be more advantageous than the new tribunals. Their efficiency and general usefulness is admitted by all classes, and their beneficial influence cannot but be one of the principal factors in promoting the advancing civilization of Egypt.

There are still some difficulties to be averted. No arrangement has yet been made with the creditors of the Daïra; and should a question involving the validity of the decree of the 18th instant, so far as it affects the acquired rights of foreigners, be brought before the courts and the same principle applied as in the decision of last May, the result must be adverse to the government.

It is, however, believed, on grounds apparently reasonable, that all matters of difference will be satisfactorily arranged with the creditors. That the Khédive earnestly desires this, and is making the most strenuous efforts for its accomplishment, there is no doubt; and, unless the threatened Turco-Russian war by causing a new drain upon the Egyptian treasury prevents, he will undoubtedly be in a condition to make such arrangements.

I have delayed transmitting the inclosed dispatch of Chérif Pasha for some days, expecting on the arrival of each mail to receive an answer to my dispatch No. 45, of August 10, 1876, that would probably render its transmission unnecessary.

I am, &amp;c.,

E. E. FARMAN,  
*United States Agent and Consul-General.*

[Inclosure.—Translation.]

*The minister of foreign affairs of the Khédive to Mr. Farman.*

## APPOINTMENT OF NEW JUDGES TO THE TRIBUNALS.

MINISTRY OF FOREIGN AFFAIRS,  
*Cairo, November 5, 1876.*

MY DEAR CONSUL-GENERAL: By my dispatch of the 3d August last, I had the honor to call your kind attention to the principal circumstances which required an increase in the number of judges in view of securing the good administration of justice, and I pointed out to you the means which seemed to the government of the Khédive best adapted to attain the desired object.

I shall not repeat the considerations which I have already set forth at length as regards this subject.

Being upon the spot as you are, my dear consul-general, you have been able to obtain, if required, most exact information, and to convince yourself of the exigencies of the situation, which, in the opinion of the magistrates and of all interested, calls imperatively for a prompt and effectual remedy.

It pleases me to hope that the Government of the United States of America, enlightened by your care, will unite in the general conviction, and that it will sanction it by its decision.

This decision, my dear consul-general, the government of the Khédive will be happy to be made acquainted with as soon as possible; for you are aware that the new judicial year is begun, and the circumstances are becoming more and more urgent.

I should, therefore, be pleased to have you continue to lend your kind assistance to obtain a speedy solution, and I renew to you, my dear consul-general, the expression of my devoted sentiments and my high consideration.

CHÉRIF.

No. 345.

*Mr. Farman to Mr. Fish.*

No. 79.]

AGENCY AND CONSULATE-GENERAL  
OF THE UNITED STATES IN EGYPT,  
*Cairo, December 8, 1876. (Received December 29.)*

SIR: I have the honor to transmit herewith duplicate copies of a decree of His Highness the Khédive, dated November 18, 1876. This decree was made pursuant to and in accordance with the agreement made between the English and French holders of Egyptian bonds, through their agents, Messrs. Goschen & Joubert, and the Egyptian Government.

The principal provisions of the decree are:

1st. It separates the private debts of the Khédive, called the debts of the Daïra, from those of the Egyptian Government.

2d. It re-establishes the Moukabalah, with the modification that the reduction of taxes promised is not to take effect until the year 1886.

3d. It pledges the receipts of the Moukabalah, to the payment of the bonds of 1864, 1865, 1867.

4th. It establishes a special administration for the railroads of Egypt and the port of Alexandria, to consist of five persons, of whom two are to be English, one French, and two native.

5th. It pledges the revenues of the railroads and the port of Alexandria to the amount of £17,000,000 for the payment of the principal and interest of a series of privileged bonds, giving the preference to those of 1862, 1868, and 1873.

6th. In the decree of May 7, 1876, what was called the "unified debt" amounted to £91,000,000. By the deduction of the Daïra debts, £8,815,431, the £17,000,000 secured by the revenues of the railroad and

the port of Alexandria, the amount of the bonds of 1864, 1865, and 1867, which are to be paid by the proceeds of the Moukabalah, and certain other items amounting to £4,135,930, for the payment of which provision is made, the "unified debt" is reduced to £59,000,000. This is made payable in sixty-five years, and is to bear interest at the rate of 7 per cent. per annum, one-seventh of which interest is, however, to be applied until the year 1886 to the purchase for cancellation of the bonds constituting the debt, unless the amount shall be sooner reduced to £40,000,000.

7th. The decree also provides for the appointment of two controllers-general, one English and the other French; one to have the supervision of the collection of all the revenues of the State, and the other to act as an adviser of the minister of finance, as well as perform other duties. The English and French governments are to be requested to name persons to be appointed by the Khedive to these places.

8th. The commission of the public debt created by the decree of May 2, 1876, is to be continued until the whole debt is paid, and one Englishman is to be appointed upon it, and the English Government is to be officially requested to nominate a person for such appointment. The English and French Governments are also each to be requested to nominate the persons to be appointed from their respective countries as members of the special administration of the railroads and the port of Alexandria.

The decree is generally received with satisfaction, and it is thought to be the best that could be done under all the embarrassments of the financial situation.

Unless prevented by some of the difficulties mentioned in my dispatch No. 77, of November 27, the Egyptian Government will hereafter be able to pay the interest on its public debt and gradually reduce the amount of the principal.

I am, &c.,

E. E. FARMAN,  
*United States Agent and Consul-General.*

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No. 346.

*Mr. Farman to Mr. Fish.*

No. 94.

AGENCY AND CONSULATE GENERAL  
OF THE UNITED STATES IN EGYPT,  
Cairo, January 13, 1877. (Received February 6.)

SIR: I have the honor to transmit herewith a copy of a dispatch received from Chérif Pasha, dated December 23, 1876. It relates to a conflict of jurisdiction which has arisen in a number of instances since the inauguration of the new tribunals between these tribunals and the consular courts in cases of bankruptcy. The dispatch is accompanied with a report of the new court of appeal of Alexandria, which, after giving to some extent a history of the conflict of jurisdiction and the conflicting decisions of the tribunals of Alexandria, Cairo, and Ismaïlia, and its own construction of article 9, section 2, Title I, of the *règlement d'organisation judiciaire*, closes with the following statement:

The conclusions of the court can be summed up in the following propositions:  
1st. It is for the interest of foreigners as well as of natives to grant to the mixed tribunals, by a supplementary article of the *règlement d'organisation judiciaire*, the

exclusive jurisdiction in matters of bankruptcy, whatever be the nationality of the bankrupt or that of his creditors.

2d. The competence of the tribunal (mixed) is, according to article 9, section 2 of Chapter I of the *règlement d'organisation judiciaire*, for mixed cases, incontestable and exclusive in a bankruptcy matter when all interested do not belong to the same nationality as the bankrupt.

3d. It would be desirable that the consular tribunals and the local tribunals, when called upon to declare the bankruptcy of a merchant who is subject to them according to the *statut personnel*, should be required before declaration to examine the accounts and the commercial books of the debtor, in order to ascertain the nationality of the creditors, and in case of need to take other information in regard to it.

4th. The consular tribunals as well as the local tribunals ought to be required to recognize their incompetence in every state of the case, when it is shown them that in the bankruptcy there is concerned the interest of a creditor belonging to another nationality than the bankrupt. In submitting these conclusions to your excellency I have the honor to pray you in the name of the court to take the necessary steps in order to obtain the consent of the powers to the supplementary article proposed by the conclusion No. 1, and at the same time to engage the powers to give to their consular judges from this time such instructions as, in conformity with the spirit of the *règlement d'organisation judiciaire* and with the principles established in the conclusions Nos. 2, 3, and 4, shall prevent all occasion for conflict. His excellency Chérif Pasha in his dispatch expresses his concurrence in the views of the court, and says that "the Government of the Khédivé hopes that the American Government in presence of the weighty considerations that have determined these views will be pleased to agree with them and grant its high sanction to the application of the means proposed, which will be a new guarantee for the success of the reform to which it has always lent so efficacious and so kind a support."

In addition to the facts set forth in the report, I may add that there have been cases in Cairo during the past summer in which the sheriffs of the mixed tribunals and the marshal of a consular court have at the same time been upon the premises of a bankrupt, each under orders of their respective courts, striving to gain possession of his property.

There can be no doubt of a necessity for some arrangement to prevent the recurrence of similar conflicts.

After a careful examination of the subject, it seems to me that the second proposition of the conclusions above given of the court is a correct interpretation of article 9, section 2, Title I, of the *règlement d'organisation judiciaire*. This article reads as follows: "Ces tribunaux connaîtront seuls de toutes les contestations en matière civile et commerciale entre indigènes et étrangers, et entre étrangers de nationalités différentes en dehors du statut personnel. Ils connaîtront aussi de toutes les actions réelles immobilières entre toutes personnes, même appartenant à la même nationalité." (These courts alone shall have jurisdiction in all disputes in civil and commercial matters between natives and foreigners, and between foreigners of different nationalities outside of the personal statute. They shall also have jurisdiction in all real-estate actions between all persons, even belonging to the same nationality.)

This, applied in cases of bankruptcy, would seem plainly to give the mixed tribunals exclusive jurisdiction in all cases where any one of the creditors was of a nationality different from that of the bankrupt.

This being admitted, the measure suggested in propositions 3 and 4 of the conclusions of the court are, so far as I can judge, only just means for the application of the law according to its true intent. As to the propriety of adding, as suggested in the first proposition, a supplementary article to the *règlement d'organisation judiciaire*, giving exclusive jurisdiction, in all matters of bankruptcy, to the new tribunals, whatever may be the nationality of the bankrupt or of his creditors, there may be some doubt, for the reason that the law and practice in bankruptcy, as applied by these tribunals, are very different from our own or that of England or France, and, should occasion require their application, would be regarded as too severe.

It is, however, true that there is not the least probability of a case ever arising in Egypt in which the bankrupt and all his creditors would be citizens of the United States.

Practically, the adoption of this new article would never affect us.

But it is doubtful, from what I learn, whether England and France, who might possibly have cases in which all interested would belong to their own nationality, will consent to the change.

For the reason stated, I recommend a concurrence on the part of our government in the measures suggested in propositions 3 and 4, and, should the other powers consent thereto, as it would not practically affect American citizens, I should also recommend that assent be given to the adding of the supplementary article mentioned in the first proposition.

Will you please give me instructions to act in accordance with the above views, provided they meet with your approval?

I am, &c.,

E. E. FARMAN,  
*United States Agent and Consul-General.*

[Inclosure.—Translation.]

CONFLICTS OF AUTHORITY IN BANKRUPTCY BETWEEN THE CONSULAR COURTS AND THE NEW TRIBUNALS.

*Chérif Pacha to Mr. Farman.*

MINISTRY OF FOREIGN AFFAIRS,  
*Cairo, December 23, 1876.*

MR. AGENT AND CONSUL GENERAL: During the judiciary term which has just ended, conflicts as to competence in bankruptcy cases have taken place between the consular courts and the tribunals of the reform. These disputes may be renewed, and give rise to serious complications, because, as a general rule, bankruptcies in Egypt involve multifarious interests and persons of different nationality.

To adopt a method of procedure which anticipates these complications and simplifies the action of justice, this will be evidently to answer the needs of all those who find themselves obliged to have recourse to that action.

The new magistrates called upon to examine the situation have considered it from all points, and have set forth their opinion, voluminously elaborated and reasoned, in a report, which Mr. Lapenna, vice-president of the court of appeal, has lately addressed to me.

I have the honor to place this report before you, Mr. Agent and Consul-General, recommending your attention to it.

The considerations of fact and of law which it contains emanate from magistrates whose experience and authority in such matters are apparently indisputable.

The conclusions which are therein set forth are but the direct consequence of these considerations, which all concur in demonstrating the grave inconveniences of the actual state of things, and the necessity for their remedy by the adoption of a system capable of unifying the action of justice, at present too divisible, and thus avoid the conflicts which this division may entail.

I believe, therefore, that I cannot do better, Mr. Agent and Consul-General, than to transmit to you the report just as it has been transmitted to me, which appears to be the most exact and impartial statement of the situation and of the best means to regulate it.

In agreeing with the views of the new "magistrature," with no other object than the interests of justice, that is to say, the interests of all, the government of the Khédive, Mr. Agent and Consul-General, hopes that the American Government, in presence of the weighty considerations which have determined these views, will be pleased to agree with them and grant its high sanction to the application of the means proposed, which will be a new guarantee for the success of the reform to which it has always lent so efficacious and so kind a support. Receive, Mr. Agent and Consul-General, the expression of *my* high consideration.

The minister of foreign affairs and of justice,  
CHÉRIF.

No. 347.

*Mr. Farman to Mr. Fish.*

No. 103.]

AGENCY AND CONSULATE-GENERAL  
OF THE UNITED STATES IN EGYPT,  
Cairo, February 13, 1877. (Received March 10.)

SIR: I have the honor to acknowledge the receipt of your dispatch No. 36, dated January 16, 1877, by which I am instructed to inform you by telegraph whether the proposition for the nomination by the Government of the United States of a substitute in the parquet of the new tribunals of Egypt, to be accepted by the Egyptian Government and at once appointed judge of the court of *première instance*, is still open. As the proposition had not been withdrawn I considered it as open, but for greater certainty I communicated with Chérif Pasha both verbally and by letter, and received his reply, dated February 12, 1877, a copy of which I inclose.

The Government of the Khédive still desires the nomination of the substitute of the Government of the United States on the conditions mentioned in its dispatch of August 3, 1876. In accordance with instructions I sent you last night the following dispatch :

SECRETARY OF STATE, *Washington:*

A substitute should soon be nominated, the position being still open.

FARMAN.

The substitutes of Italy, Germany, Austria-Hungary, and Great Britain have already been promoted to judges of the court of *première instance*.

There is some disagreement as to conditions with France, so that the French substitute has not yet been promoted, and Russia is in the same condition as the United States, having never made a nomination.

I am, &c,

E. E. FARMAN,  
*United States Agent and Consul-General.*

[Inclosure.—Translation.]

*Chérif Pasha to Mr. Farman.*

MINISTRY OF FOREIGN AFFAIRS,  
Cairo, February 12, 1877.

MR. AGENT AND CONSUL-GENERAL: By dispatch of the 10th of February, you did me the honor to inform me that the Hon. Secretary of State at Washington asks whether any change has been made in the propositions contained in my communication of the 3d of August, 1876, relative to the augmentation of the number of judges of the new tribunals.

I hasten to reply, Mr. Agent and Consul-General, that the necessities of the judicial service remaining the same, the Government of the Khédive has not changed its propositions, and that it is ready to carry them out, subject to the conditions in my aforementioned communications of the 3d of August, 1876, and under the final reserves therein expressed.

Be pleased, Mr. Agent and Consul-General, to accept the assurance of my high consideration.

CHÉRIF.



No. 348.

*Mr. Farman to Mr. Fish.*

No. 114.]

AGENCY AND CONSULATE-GENERAL  
OF THE UNITED STATES IN EGYPT,  
Cairo, April 3, 1877. (Received April 26.)

SIR: I have the honor to transmit herewith a copy of a circular received from Chérif Pasha, minister of foreign affairs, dated March 22, 1877, and its translation.

It states that certain organs of the press, under influences hostile to the Egyptian Government, seem to have assumed the task of spreading reports wholly foreign to its intentions relative to the execution of the judgments rendered against it by the new tribunals. The Government of the Khédive regrets very much these reports, and deems it its duty to deny them in the most formal terms, and adds that it has nothing so much at heart as respect for the decisions of these courts.

His excellency says that it is not denied that delays have occurred, but that the government was the first to regret them, and that they have not been in accordance with its wishes.

He further says that the execution of these judgments has already been commenced, and that measures have been adopted to assure the payment in full of the sums due according to certain fixed conditions.

I have sent to his excellency an answer in French, stating that these calumnious reports were not credited either by me or by my government, and that I fully recognized the efforts made by the Government of His Highness the Khédive to satisfy its obligations, and had never doubted its final success.

There are several subjects to which it seems proper to refer in connection with the contents of this circular:

1st. Immediately after my arrival in Egypt, by dispatch No. 7, of May 26, 1876, I informed you of the disagreement between the Government of the Khédive and the court of appeal of Alexandria in reference to the jurisdiction of the latter, and transmitted to you the circular of Chérif Pasha, giving the government's views on the subject. By your dispatch No. 27, of November 25, 1876, acknowledging mine of October 17, 1876, I was authorized, in accordance with the request of Sir Edward Thornton, Her Britannic Majesty's representative at Washington, made under instructions from Lord Derby, to unite with my colleague "in a proper protest, to be addressed to the Government of the Khédive, against a resistance to the decisions or denial of the jurisdiction of the new tribunals of Egypt in cases of the nature of that of which the decision was made on the 3d of May, at the suit of Cesar Carpi."

No such protest has yet been made. There has seemed to be such a genuine desire on the part of the Government of His Highness to make satisfactory arrangements with its creditors, and the efforts that have been put forth have been to such an extent successful, that it has not been thought necessary or best up to this time, to make any formal protest in answer to the circular of May 23, 1876.

Her Majesty's Government is also still in negotiations with that of the Khédive on the question of the true interpretation of article 11 of the "Règlement d'organisation judiciaire."

2d. You were informed by dispatch No. 79, dated December 8, 1876, of the decree issued by the Khédive in pursuance of an agreement made between the English and French holders of the Egyptian bonds, through their agents, Messrs. Goschen and Joubert, and the Egyptian

Government. This agreement was accepted or acquiesced in by nearly all the bondholders, and its provisions have thus far been substantially kept on the part of the Government of the Khédive.

3d. The various classes of what are termed the "commercial obligations" of the government, being all the indebtedness that is not included in its bonds or treasury notes, is also being paid or arranged.

The only American claim of very much importance under this head is that of Messrs. E. Remington and Sons, which forms the subject of your dispatch No. 14 of August 2, 1876, and my No. 76 of November 14, 1876. This claim has caused me much anxiety, and every proper effort has been made to secure its payment.

I have had several interviews on the subject with the Princes Hassein Pasha and Hassan Pasha, the former being minister of war and the latter of finance; and on one occasion I had an interview in relation to it with the Khédive.

Mr. Comanos has also been with Mr. Remington to the departments a great number of times.

As a result of all these efforts I have the pleasure to state that arrangements have been made more favorable to the Messrs. Remington than those made with any other large creditor, so far as I can learn.

In the month of January Mr. Remington received £10,000, and within the past four weeks he has received £23,000 more, and the minister of finance has promised to pay, within a few days, in good bankers' bills, payable in London in three months, the balance due for guns delivered, being £19,000.

There are also guns in Alexandria and Liverpool to the amount of £46,000, the delivery of which has been delayed on account of non-payment, but which are now to be delivered and paid for in December and January next. According to the original contract there are in addition to these about 35,000 guns to be delivered, which will amount to a little more than £100,000, a considerable part of which are in the United States finished, or in progress of manufacture.

No special agreement has yet been made in relation to these, but the matter is under negotiation.

4th. The judgments, except those based on bonds and the treasury-notes, and included in the agreement with Messrs. Goschen and Joubert, that have been rendered against the government by the commissions constituted under the conventions with the various governments and by the special chambers and the new tribunals, are being paid with reasonable rapidity, and as fast as it is possible for the government to do so under its present financial embarrassments.

In fact, all the acts and declarations of the government show a *bona fide* intent on its part to pay its obligations in full, and there are reasonable grounds to expect final success, though it must be admitted that its debt is very large in comparison with the resources of the country, and that to meet interest and current expenses necessarily requires oppressive taxation.

If the people of the United States had to pay in proportion to their resources a tithe of the taxes paid by the Egyptians, they would think they were oppressed beyond endurance.

5th. Negotiations have been pending since the month of December for an arrangement of the private debts of the Khédive, called the debts of the Daïra. No definite results have yet been attained.

I have, &c.,

E. E. FARMAN.

[Inclosure.—Translation.]

*Chérif Pasha to Mr. Farman.*

[Circular.]

No. 147.]

MINISTRY OF FOREIGN AFFAIRS,  
*Cairo, March 22, 1877.*

Mr. AGENT AND CONSUL-GENERAL: For some time past certain newspapers, evidently influenced by suggestions hostile to the Egyptian Government, appear to have undertaken the task of spreading reports wholly foreign to its intentions regarding the execution of the judgments given against it by the tribunals of the reform. In their comments they have pretended that it has no other motive but that of deferring the execution as long a time as possible, and even of eluding it entirely, according to circumstances.

The Government of the Khédive greatly deplores such assertions. Not only do they gratuitously deviate from the truth, but by deviating from it they disturb the opinions of those who, distant from Egypt, cannot understand the exact situation of affairs, and they might seriously injure the most important interests.

The Government of the Khédive believes it to be its duty, Mr. Agent and Consul-General, to deny these reports in the most formal terms.

The execution of the judgments in question has, in fact, suffered some delay. This it does not deny, and it is the first to regret it, for it has nothing more at heart than respect for the decision of its courts. But this delay does not depend upon its own will.

In the midst of the financial crisis, and of serious embarrassments which ensued; in the face of numerous debts which burdened it, it was obliged, first of all, to seek the best means to satisfy severally the various interests involved, and to combine its resources for that purpose.

In the present state of affairs this is a long and laborious undertaking. Thanks to the measures already taken, and to the legal assistance of the honorable persons whom it has called from Europe to aid it by their knowledge and experience in the accomplishment of this difficult task, it has already neared its object, and has a firm determination to attain it.

Those who accuse it to-day and attribute to it such strange intentions have only to look upon what is now taking place, in order to convince themselves of the result of its efforts, and of the falsity of the reports which they endeavor to propagate.

The execution of the judgments, the object of their malevolent insinuations, is already begun, as you are aware, Mr. Agent and Consul-General, and measures have been adopted to insure the integral payment of the sums owing, upon fixed conditions.

The foregoing facts are sufficient, and it is the best argument which the Government of the Khédive can invoke to its aid in support of the denial that it opposes to all these insinuations, as well as the surest means to restore public confidence in spite of all calumnies.

Be pleased, Mr. Agent and Consul-General, to accept the assurance of my high consideration.

CHÉRIF,  
*Minister of Foreign Affairs.*

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No. 349.

*Mr. Farman to Mr. Evarts.*

No. 126.]

AGENCY AND CONSULATE-GENERAL  
OF THE UNITED STATES IN EGYPT,  
*Cairo, May 2, 1877. (Received May 23.)*

SIR: I have the honor to acknowledge the receipt of your dispatch No. 47, dated March 17, 1877, inclosing a dispatch received from the Hon. George Seward, United States minister to China, asking information in regard to the system of mixed courts in Egypt.

I am instructed by your dispatch to forward to the Department for transmission to him such papers and documents on the subject as can be procured, with a statement of my views in regard to the practical working of the system.

I forwarded to you by the last mail a full set of all the publications

that have been issued for the use of these courts, including the "Codes Egyptiens," preceded by the "Règlement d'organisation judiciaire." There can be no question but that this new system of courts has thus far proved a great success. It is the best institution in the Orient. This is now almost universally admitted by all persons having a knowledge of its practical working.

Even the nations who at first looked upon it with distrust, arising from national and religious prejudices, now admit the justice of its decisions, and have no fears in submitting to its jurisdiction.

It has even become common for natives to sell their claims to Europeans for the sole purpose of having them prosecuted in these courts.

A serious question has been raised on the part of the Egyptian Government as to their jurisdiction in a certain class of causes, but I have good reason to believe that the government is well satisfied with the system as a whole, although it would undoubtedly prefer to make some changes restricting the jurisdiction of the courts in actions against itself and the Daïra of His Highness the Khédive.

The new tribunals have no criminal jurisdiction except in a limited number of cases mentioned in section 2 of title 2 of the "Règlement d'organisation judiciaire," pertaining mostly to matters of discipline of their judges and officers, and crimes and misdemeanors against the execution of their judgments and orders. All other criminal cases are left to be tried as formerly.

They have, however, jurisdiction in all civil cases between natives and foreigners and between foreigners of different nationalities; and as there are nearly one hundred thousand resident foreigners in Egypt, consisting of many different nationalities, and transacting nearly all the business of the country, and most actions of importance are what are here termed "mixed," that is having parties of different nationalities, and consequently within the competence of the mixed courts, these courts constitute, therefore, the principal tribunals of the country and decide nearly all its important cases.

The courts commenced their sittings for the hearing of causes on the 1st day of February, 1876, and have since continued without interruption, except that during the vacation in the months of July, August, and September, only a sufficient number of judges was retained to hear those causes that are here denominated urgent, and transact such business as could not be delayed.

The court of appeals is located at Alexandria, and has seven foreign and four native judges, and a native president, who has no voice either in the deliberations or decisions of the court.

The courts of "première instance" were at first organized with sixteen foreign and twelve native judges, and divided into three branches, holding their sessions, respectively, at Alexandria, Cairo, and Ismaïlia.

There was also attached to the courts a parquet, after the French system, consisting of "procureur général" and four foreign and three native substitutes.

It was found as early as the 1st of July that the number of judges in the courts of "première instance" was insufficient to perform the necessary labor.

The use, in these courts, of three languages, French, Italian, and Arabic, few if any of the judges being acquainted with them all, increases very much the amount of work. It is common for the testimony to be given in one language, and the pleadings on one side in another, and on the other side in a third, and for the different addresses of the lawyers in the same case to be in two and sometimes three languages

The system of practice is also new, being unlike that of any other country, although taken principally from the French.

The laws, also, to a considerable extent, are new to the judges. It is necessary to apply the laws of every European nation, as well as the local Arab and general Mussulman laws, and the laws and prescriptions of a great variety of ecclesiastical systems, the law of a case often depending not only upon the nationality of the parties, but also sometimes upon the question of the particular religious sect to which they are considered as belonging and with which they are classified.

Since the month of July last the Egyptian Government has been constantly endeavoring to increase the number of judges, but has as yet only added four foreign and three native.

Four new foreign judges were made by the promotion of the substitutes nominated for the parquet by Great Britain, Germany, Austria-Hungary, and Italy. The French substitute has been made "avocat général," and up to this time the Government of the United States and Russia have failed to nominate substitutes. As soon as such nominations shall be made and accepted by the government of the Khédive the nominees will be at once promoted to be judges.

Notwithstanding all the difficulties of the language, laws, and practice that have surrounded the new tribunals in their efforts for organizing and carrying into practical operation this new system, difficulties that could hardly exist in so great a degree in any other country in the world, they have succeeded admirably, and have thus far performed a great amount of labor, and disposed of a great number of causes. The following tables give the business of these courts for the first nine months of their sittings to October 31, 1876.

*Tribunals of first instance.*

Place of the tribunals.	Causes.										Manner of obtaining judgments.				
	Enrolled.					Judgments rendered.					By default.	Trial.	Bankruptcy.	Interlocutory.	Notarial acts.
	Civil.	Commercial.	Summary.	Referred.	Total.	Civil.	Commercial.	Summary.	Referred.	Total.					
Alexandria.....	1,293	1,351	1,530	65	4,239	671	689	1,033	47	2,440	800	1,172	94	374	386
Cairo.....	902	636	1,038	64	2,640	403	238	622	58	1,311	507	569	58	177	228
Ismailia.....	475	153	264	14	906	240	72	197	14	523	104	296	14	109	95
Total.....	2,670	2,140	2,832	143	7,785	1,314	989	1,852	119	4,274	1,411	2,037	166	660	709

*Court of appeals.*

Causes.						Manner of obtaining judgments.			
Enrolled.			Judgments rendered.			By default.	Total.	Interlocutory.	Disciplinary.
Civil.	Commercial.	Total.	Civil.	Commercial.	Total.				
127	58	185	52	35	87	9	66	12	2

These figures show the extent of the judicial labors of the courts, and are a sufficient proof of their usefulness and success.

The court of appeals, in addition to the causes heard by it, has been thus far largely engaged in the preparation of legislative and administrative acts, and in matters of organization.

The mixed courts have no jurisdiction in causes pending on the 1st day of February, 1876, the date of their inauguration, such causes being left to be decided as formerly by the consular courts.

Most of the powers, however, have entered into a convention with the Egyptian Government for the appointment of commissioners, consisting of judges of the court of appeals, and for the formation of special chambers, one of the judges of the court of appeals with appellate jurisdiction only, and the other of judges of the court of first instance, to determine claims pending diplomatically against the Egyptian Government at the date of the inauguration of the courts.

The inclosed schedule, A, shows the result of the work of the several commissions and the special chambers to October 31, 1876.

The only serious objection I have heard raised against the new tribunals is their expensiveness to suitors. The design is to make them self-sustaining, and thus far the fees received have been sufficient, or nearly so, to pay all expenses, including salaries of the judges.

When the expenses arising from the use of several languages, necessitating the employment of a large number of interpreters for translating and copying, are taken into consideration, together with the fact of the comparatively small amount of business that can be done under all the difficulties surrounding these courts, it will be readily seen that if the litigants pay all expenses, including their attorneys' fees, the sum must be excessively large.

The inclosed schedule, B, gives the fees received by the different courts to October 31, 1876. The total amount is 2,835,515 $\frac{23}{48}$  piasters tariff, which equals \$141,038.51.

I also include a third schedule, C, which gives the names and nationality of present judges of the courts and the members of the parquet.

The information above given is all that can now be obtained that is important, bearing upon the question of the practical working of the mixed courts in Egypt, and it will probably be, with the publications sent, sufficient to enable those studying the subject to understand this new system, which it is to be hoped may remain one of the permanent institutions of Egypt until such time as the advanced civilization of the country shall render it, or any similar organization composed in part of foreign judges, unnecessary.

I ought perhaps to add that the system of laws and practice introduced here, and principally taken from the French, is not as satisfactory to the English and Americans as their own would be. It is not, according to our mode of thinking, so well adapted to secure impartial justice. It could not, however, be expected that where, as is the case in Egypt, nineteen-twentieths of the foreign element is composed of people from countries which take in a great measure the civil law as the basis of their systems of jurisprudence, mixed courts could be established with a system of laws and practice based upon the common law of England.

I am, &c.,

E. E. FARMAN.

No. 350.

*Mr. Farman to Mr. Evarts.*

No. 137.]

AGENCY AND CONSULATE GENERAL  
OF THE UNITED STATES IN EGYPT,  
Cairo, May 30, 1877. (Received June 20.)

SIR: I have the honor to give you the following information concerning the position occupied by Egypt regarding the Russo-Turkish war.

I have several times mentioned the subject of the disturbed state of Turkish affairs in connection with the question of Egyptian finances, which for the last year has been paramount to and has absorbed every other question. Even now the war, so far as Egypt is considered, is discussed almost wholly as a question of money.

During the last summer the Khédive sent to Constantinople to aid in the suppression of the rebellion in Servia and other Turkish provinces a division of infantry, reported at the time to contain twelve thousand men, but in fact containing only from seven to eight thousand. He also sent three batteries of artillery and furnished 12,000 stand extra of arms, being Springfield guns transformed at Cairo. These troops, or such of them as survive, are still in Turkey.

When the news reached Egypt that war between Russia and Turkey was inevitable, considerable alarm was created in financial circles. It was apprehended, the war being vitally connected with the Moslem religion, and one on which the integrity and even existence of the Ottoman Empire might depend, that the Khédive would regard it his duty and feel himself obligated to send a large number of additional troops to Turkey, and that, to accomplish this, it would be necessary for him to appropriate the revenues that had been pledged to the payment of the public debt.

On the 30th of April, on the occasion of the opening of the Egyptian chamber of delegates, the Khédive made a speech, a translation of which I inclose, which sufficiently indicates the part the Egyptian Government designs to take in the war. While attesting his devotion to His Majesty the Sultan, and his desire to fulfill his duty toward him, it is evident from this speech that the Khédive intends to make the cause of Islam and the empire secondary to that of the payment of the debts of Egypt. He says:

It is important that Egypt send troops as before, and to fix the number. But this number cannot be determined without previously knowing the sum that the country can devote to this object, since, as you well know, the resources of the budget will not suffice to meet this expenditure. It is necessary, therefore, in order to fulfill our duty to His Majesty, meet the exigencies of the situation, and honor our financial engagements, to create an extraordinary fund which will enable the minister of war to determine the number of troops that can be sent.

It has also been stated semi-officially that the Khédive has lately said that he should maintain in every particular his engagements with the creditors of the state and the Daïra.

It therefore appears that it is his firm purpose to devote the ordinary revenues of the country, in accordance with the contract made with Messrs. Goschen and Joubert, to the payment of the public debt and the ordinary current expenses of the government, and that whatever money is expended in aiding Turkey must be derived from exceptional resources, which, in consequence of the amount of taxes already paid, must necessarily be very limited.

The chamber, in response to the demand of the Khédive, voted a

special land-tax of £480,000, being about half a dollar on each acre of arable land in Egypt, but only equaling one-twentieth part of the annual revenue.

This chamber was created about eight years ago, and consists of notables, persons of wealth or influence in the provinces, who were selected by the government and are summoned to meet in cases of special emergency, and vote such measures as are asked.

No one attaches the least importance to this body or supposes that its members have any power. They simply consent to such measures as are proposed by the government; and they act with a promptness and unanimity that would do honor to the best-disciplined military company.

Upon this sum being voted, the Khédive, according to information published in semi-official journals, sent a dispatch to Constantinople informing the Sultan that the Egyptian contingent in Turkey would be increased to 12,000 men, and that the remainder of the troops would be retained in the country to protect the Suez Canal.

Thus it appears that Egypt, with its population of from five to six millions, is to provide but 12,000 troops for the Russo-Turkish war.

As might be expected, the action taken on the part of the government reassured the holders of its obligations, and the bonds of the unified debt have since advanced from 29 to  $36\frac{3}{4}$ , and of the privileged (that secured by the revenues of the railways and the port of Alexandria) from 47 to  $55\frac{3}{4}$ .

I believe the action of the government correctly represents the feeling of its subjects. Their sympathies are with Turkey. They believe in the justness of her cause, and will rejoice at her victories and regret her defeats, but there is no feeling amounting to patriotism, and no religious zeal that covets sacrifice, or that is paramount to individual interest. It is not probable that five hundred volunteers for the Turkish service could be obtained in Egypt.

That a religious enthusiasm could be created by the proper appliances I have no doubt, an enthusiasm even that might result in an ungovernable outburst of fanaticism, but it does not now exist, and those in power are interested in preventing instead of aiding its development.

Moreover, the habits and dispositions of the great mass of the people, and nearly all exterior circumstances, are unfavorable to any such manifestations.

There is among the Arab Mussulmans, as among many other religious sects, what may be properly termed the fanatical element, but this element is comparatively small, and the number of European residents is sufficient to keep it under proper restraint.

Much the greater portion of the native inhabitants are of quiet habits, preferring above everything else to be permitted to remain on and peaceably work their lands.

It is unnecessary to add that the country is perfectly quiet. There is probably less excitement here over the war than in most European countries:

The troops destined to be sent to Constantinople are now at Alexandria. They consist of two regiments of infantry, containing about 6,000 men, under the command of Ismaïl Pasha Eyoub, four batteries of mounted artillery, and a body of 300 cavalry which is to form the guard of Prince Hassan Pasha, third son of the Khédive, and minister of war, who accompanies the troops and is to command the Egyptian contingent in Turkey.

These troops have been on the eve of embarkation for many days.



and it was announced that they would certainly sail last Sunday, but up to this time something has prevented their departure.

I have, &c.,

E. E. FARMAN.

[Inclosure.—Translation.]

*Speech of the Khédive on the opening of the chamber of delegates at Cairo, April 30, 1877.*

Last year, when certain provinces of the empire rebelled against the lawful authority of His Majesty, the Egyptian Government sent troops to Constantinople. To-day, notwithstanding the most evident spirit of conciliation, and the sincerest desire to maintain peace, evinced by the Sublime Porte, Russia having declared war, the government of His Imperial Majesty finds itself forcibly engaged in a struggle with that power. It is of importance to Egypt to send troops as before, and to fix the number. But this number cannot be determined without previously knowing the sum that the country can devote to this object, since, as you well know, the resources of the budget will not suffice to meet this expenditure.

It is necessary, therefore, in order to fulfill our duty to His Majesty, meet the exigencies of the situation, and honor our financial engagements, to create an extraordinary fund which will enable the minister of war to determine the number of troops that can be sent.

This is the subject for which the chamber has been assembled. My son Hassan, being a soldier, will go and share with his compatriots and brothers in arms the honor of the defense of a just cause and of the sacred right of the empire.

No. 351.

*Mr. Farman to Mr. Evarts.*

No. 153.]

AGENCY AND CONSULATE-GENERAL

OF THE UNITED STATES IN EGYPT,

*Cairo, June 27, 1877. (Received July 23.)*

SIR: I have the honor to inform you that I yesterday obtained the freedom of a negro boy, about twelve years of age, under the following circumstances: He was found in a street in Cairo by an American lady, who speaks Arabic, and of whom he asked food, saying he had had nothing to eat during the day. After hearing his story she took him to the dwelling of an American citizen residing in Cairo, who, the next day, came with him to the consulate-general and asked that measures be taken to procure his freedom, promising to see that he was properly provided for.

According to the story of the boy, he was born in Soudan, and was brought to Tanta when he was very small by a slave-dealer and sold to a man who lived at Saccara, a small village near the pyramids. During the Abyssinian war his master went as an Egyptian soldier to that country and was killed, leaving a widow at Saccara. Afterward his master's brother forcibly took him away from the widow and treated him badly, often beating him without cause. Desiring to escape, he watched his opportunity and came to Cairo, where he met the lady who had kindly taken him to the house of the gentleman who had accompanied him to the consulate.

I sent my janizary (guard) with the boy, and a letter asking his manumission, to the chief of police, and in a short time both returned with a paper in Arabic, of which I inclose a translation.

You will see that this paper is given him "to show that he is free

and can go where he will," for the reason that he "complains of not being satisfied with the treatment he receives at his master's, and because slavery is prohibited, in pursuance of the orders and regulations decreed by the government of the Khédive."

I have narrated very briefly the principal facts in this case, to show with how little difficulty slaves are freed.

It would appear that, according to law, there are no slaves in Egypt. Practically this is not so, but any slave can procure his freedom by applying at a consulate.

Such applications are rare, but when one is made the consul-general promptly asks the liberation of the slave, and the authorities immediately grant the request. I have acted in the case according to the usual custom. The boy will be sent to the American Mission School at Assiout and properly educated.

I have, &c.,

E. E. FARMAN.

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[Inclosure.—Translation.]

OFFICIAL CERTIFICATE OF FREEDOM GIVEN TO A NEGRO.

The bearer, Farag, a negro, complains of not being satisfied with the treatment he receives at his master's. For this reason, and because slavery is prohibited, in pursuance of the orders and regulations decreed by the government of the Khédive, this certificate is given him to show that he is free and can go where he will.

[SEALED.]

PREFECTURE OF POLICE,  
Cairo.

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TUNIS.

No. 352.

*Mr. Heap to Mr. Hunter.*

No. 237.]

CONSULATE OF THE UNITED STATES,  
*Tunis, May 1, 1877. (Received May 21.)*

SIR: The news of the rupture between Turkey and Russia has been received by this population with intense interest. The connection of this regency with the Ottoman Empire may lead to unexpected results, even if this government should decide to take no part in the war.

Very little assistance could be sent from Tunis, either in men or in money, and it is quite evident that Turkey will have enough on her hands without having to protect Tunis.

There was a time, and that a not very distant one, when such considerations as these would have had but very little weight with this government or people, for when under the influence of the religious passions they were wont to disregard all lessons of prudence; but the dissemination of knowledge through the numerous papers published in the Turkish Empire and its dependencies, in the Arabic and Turkish languages, has created a public opinion with which the governing classes must now count.

I believe there are over twenty periodicals printed in Arabic, some of which have a large circulation. The *Jawaib*, for instance, has about ten thousand subscribers in India alone, and large numbers of that paper are taken here. It has an influence all the greater from its being one of the few prints which reach here printed in the language of the country. This paper has been interdicted in Algeria on account of the agitation it caused among the Arabs.

We have an Arabic paper published here, but it appears at irregular intervals. It publishes articles translated from European and American papers, and its tone is moderate and conservative.

There is much social intercourse in Tunis among the masses, who seem, however, to shun rather than court the society of foreigners. At their meetings persons of different classes of society are admitted, and the conversation is usually upon the current topics of the day—political, social, and economical. Articles from the papers are read and commented upon, and public opinion is thus formed. As persons connected with the government take the lead at these gatherings, they are thus enabled to disseminate conservative and rational views, which are afterward repeated and impressed upon others at similar circles held at houses of persons of inferior social position.

The population of Tunis, notwithstanding the great interest it takes in the events so rapidly transpiring in the East, remains calm and unexcited, and the government has taken means to prevent disturbance, and to nip in the bud any attempt that might be made to incite the native population against the non-Moslem portion of the community. The ulemas have been instructed to preach in the mosques sermons tending to calm rather than excite their congregations, and although it is true that among the Arabs a feeling of intense hatred for the *Kaffer* is noticeable, this will have no evil result if it meets with no response from the towns, and if the foreign population acts with prudence and gives no cause for irritation.

\* \* \* \* \*

The prime minister assured me, in a conversation I had with him yesterday, that every precaution had been taken to preserve tranquillity, and that foreigners have no cause for uneasiness. I inferred, however, from his remarks that the intention of this government to fulfill their obligations to the Sultan, which require the Bey to send assistance to his suzerain in the event of war. I expressed my regret, if this was their determination, for it was quite evident that they would be perfectly helpless in case of an attack by the Russians.

General Kéridine, who has occupied the post of prime minister since October, 1873, has introduced many improvements and civilizing influences in this country.

Good schools have been opened throughout the regency, and an academy in this city is giving excellent results.

The prison-system, which was formerly simply infamous, has been greatly improved.

Excellent macadamized roads have been made, and the breed of horses, which had gradually deteriorated, has been ameliorated by the importation of high-bred stallions.

One railroad is completed, and a longer one, from Tunis to Begia, in the direction of the Algerian frontier, is in course of construction. The debt of Tunis is 125,000,000 francs, on which 5 per cent. interest is paid. Since the unification of the debt the coupon has been paid with regularity.

The administration of the finances, including the collection of the revenue, is in the hands of a commission composed in large majority of foreigners.

The relations of the United States with the Bey's government are, I am happy to say, most friendly and cordial.

I am, &c.,

G. H. HEAP.

No. 353.

*Mr. Heap to Mr. Hunter.*

No. 240.]

CONSULATE OF THE UNITED STATES,  
*Tunis, May 29, 1877. (Received June 18.)*

SIR: Nothing has as yet occurred in connection with the war in the East to disturb the tranquillity of this country.

The government acts wisely in doing nothing and allowing nothing to be done which might tend to excite the fanatical feelings of the population.

Some Turks who came here to enlist recruits were shipped off to Malta before they had time to accomplish anything, and even a *marabout*, or religious maniac, who paraded the streets waving a green flag and calling upon the Moslems to arise against the infidels, was promptly picked up by the police and placed where he would do the least harm.

The Bash-Mufti, of whom I spoke in dispatch No. 237, has objected strongly to money being sent to Constantinople, and told the Bey that, rather than use the resources of the country in this way, he should endeavor to alleviate the sufferings of his own people, many of whom were in jail for debts contracted to buy bread for their starving families. The Bey has permitted the "war party" to call for a voluntary subscription to send to the Sultan, and contributed liberally to the fund, but only 150,000 piasters (\$18,750) was subscribed.

It is too soon yet to judge of the effect of the war on this population. Should the Moslems suffer severe and continued reverses, I apprehend that the fire of religious enthusiasm, which is now smoldering, will be fanned into a conflagration which will embrace every Mohammedan nation.

I am, &c.,

G. H. HEAP.

No. 354.

*Mr. Heap to Mr. Hunter.*

No. 243.]

CONSULATE OF THE UNITED STATES,  
*Tunis, July 9, 1877. (Received July 30.)*

SIR: The report that some Russian vessels of war are hovering off this coast, and that a Turkish squadron is on its way to Tunis from Malta and Tripoli, has caused some alarm here, particularly as the government, contrary to friendly warning, has, in obedience to a requisition from the Porte, decided to furnish mules and horses for the Turkish army, and some hundreds have been collected and are ready for shipment as soon as transports shall be sent for them.

A sum stated at a million and a half of piasters (12½ cents each) has also been collected by voluntary contribution for transmission to Constantinople.

The Mussulman population of Tunis follows with great anxiety the various phases of the struggle in the East, and ardent prayers are daily offered for the triumph of the "True Faith."

The Bey and his ministers, as well as the people, earnestly desire to aid the Sultan in his gigantic struggle; but what can they do for the Turkish Empire?

A letter from the grand vizier, appealing to the Bey for five thousand men, was publicly read. But there are no means to equip and arm these men; nor to transport them to the seat of war; nor to maintain them when there. This country can scarcely keep itself. The harvest has failed in three-fourths of the territory of the regency, and we now receive wheat and flour from France and Italy.

During several months entire tribes of the eastern and southern provinces have been emigrating to the more favored regions of the west and north, trailing after them their famished flocks, their carcasses strewing the way.

In consequence of the failure of the harvest and the cessation of exportation, the revenues conceded by the Bey to his creditors were insufficient to meet the half-yearly coupon falling due the 1st of this month.

The government, which has guaranteed the interest of the debt, was obliged to have recourse to a loan to find two million of piasters. The salaries of all the employés of the government have been reduced since last year—everybody, from the prime minister down to the lowest officer, being subjected to the measure; and, moreover, the pay of most of them is several months in arrears.

This great penury of the government has its compensating advantage as it relieves them from the obligation to send troops and subsidies to Constantinople, and removes the temptation to embark in doubtful adventures and dangerous enterprises which might involve them in difficulties with Russia.

It is to be hoped that the insignificant contribution of animals for the Turkish Government, which will be of no appreciable value to them, will not furnish the Russians with a pretext to visit Tunis and lay it under contribution.

I am, &c.,

G. H. HEAP.

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